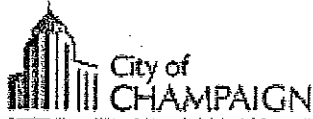


4/2/2014

City of Champaign, IL Mail - DVD Copies of MVR Videos



Swenson, Jon <jon.swenson@ci.champaign.il.us>

DVD Copies of MVR Videos

1 message

Swenson, Jon <jon.swenson@ci.champaign.il.us>

Wed, Apr 2, 2014 at 5:22 PM

To: "Paulus, Michael" <michael.paulus@ci.champaign.il.us>, "Lauria-Heugel, Veronica" <veronica.lauria-heugel@ci.champaign.il.us>

Bcc: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Mike and/or Ronnie,

At your earliest convenience I need copies of all MVR videos related to file number C14-2208.

During my search of the system I found videos for that case number from the following officers:

Schweska / Squad 39

Epling / Squad 45

Haugen / Squad 46

Butler / Squad 35

Oberheim / Squad 55

Yandell / Squad 28

Lack / Squad 98

If the videos will all fit on one disk that is fine by me. I do not need them on separate disks.

Thanks much for the help.



Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 403-6911 • fax (217) 403-6924 • www.ci.champaign.il.us

Mr. Benjamin Mann
1308 Garden Hills Drive
Champaign, Illinois 61821

March 20, 2014

Dear Mr. Mann:

On March 20, 2014, you filed a complaint expressing concern over your recent contact with several Champaign police officers. Based upon your written complaint, your primary concerns would appear to be as follows:

- That the officers falsely arrested you; and
- That the officers used excessive force in the course of accomplishing your arrest.

Please note that a medical release is included with this letter. I am asking that you sign the release and promptly return it to me. I have included a self-addressed, stamped envelope for your convenience

I will be coordinating the investigation of your complaint. You should feel free to contact me in the event that you have any questions or concerns regarding your complaint. My office number and e-mail address are both listed below, and my hours of work are generally 8:00 a.m. to 4:00 p.m., Monday through Friday.

Sincerely,

Lt. Jon Swenson
Professional Standards
Champaign Police Department
217-403-6913
Jon.Swenson@ci.champaign.il.us
14-01



Swenson, Jon <jon.swenson@ci.champaign.il.us>

Citizen Complaint 14-01

1 message

Swenson, Jon <jon.swenson@ci.champaign.il.us>

Thu, Mar 20, 2014 at 9:41 AM

To: Jason Hood <jason.hood@ci.champaign.il.us>, Carrie Brown <carrie.brown@ci.champaign.il.us>, Joan Walls <joan.walls@ci.champaign.il.us>

Bcc: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Complainant: Mann, Benjamin
1308 Garden Hills Drive, Champaign
African-American male

Incident: Remove Subject
1308 Garden Hills Drive, Champaign
March 16, 2014
0211 hours

Allegations: Complainant alleges that officers falsely arrested him and then used excessive force to accomplish the arrest.

Complaint is being classified as follows: False Arrest; Excessive Force



Swenson, Jon <jon.swenson@ci.champaign.il.us>

Citizen Complaint

1 message

Swenson, Jon <jon.swenson@ci.champaign.il.us>

Thu, Mar 20, 2014 at 9:36 AM

To: Cully Schweska <cully.schweska@ci.champaign.il.us>, "Aikman, Christopher"

<christopher.aikman@ci.champaign.il.us>, "Rush, Matt" <matt.rush@ci.champaign.il.us>, "Henry, Marshall"

<marshall.henry@ci.champaign.il.us>

Cc: "Manzana, Gregory" <manzangl@ci.champaign.il.us>, "Coon, Geoffrey" <coonga@ci.champaign.il.us>, Jaceson

Yandell <jaceson.yandell@ci.champaign.il.us>, "Paulus, Michael" <michael.paulus@ci.champaign.il.us>, David

Shaffer <david.shaffer@ci.champaign.il.us>

Bcc: Joseph Gallo <joseph.gallo@ci.champaign.il.us>, "Cobb, Anthony" <anthony.cobb@ci.champaign.il.us>,

"Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Gentlemen,

This e-mail serves to inform you the Benjamin Mann has filed a citizen complaint alleging that he was falsely arrested and that excessive force was used to accomplish that arrest.

Lt. Shaffer and I will be investigating the complaint.

Please feel free to see either of us if you have any questions about the complaint and/or investigation.

Anthony D. Cobb



Anthony D. Cobb | Chief of Police | City of Champaign
82 E. University Ave. | Champaign, Illinois 61820
217-403-6907 | 217-351-4545 (front desk) | 217-403-6924 (fax)
anthony.cobb@ci.champaign.il.us | <http://ci.champaign.il.us/> Follow us on Facebook at
[Facebook.com/ChampaignPD](https://www.facebook.com/ChampaignPD) or Twitter @ChampaignPD

Information contained in or attached to this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any further disclosure, use, dissemination, distribution, or copying of this message or any attachment is strictly prohibited. If you believe that you have received this e-mail message in error, please delete it and notify Anthony Cobb at (anthony.cobb@ci.champaign.il.us).

Cobb, Anthony <anthony.cobb@ci.champaign.il.us>
To: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Wed, Mar 19, 2014 at 4:52 PM

10-43

----- Forwarded message -----

From: [REDACTED]
Date: Wed, Mar 19, 2014 at 10:43 AM
Subject: Re: Formal Complaint of Police Brutality
To: "Cobb, Anthony" <anthony.cobb@ci.champaign.il.us>
Cc: "statesatty@co.champaign.il.us" <statesatty@co.champaign.il.us>, "[REDACTED]"

Mr. Cobb,

Thank you for your response. I have talked to Lt. Swenson and I will stay in touch with him regarding the progress of the investigation.

[REDACTED]

From: "Cobb, Anthony" <anthony.cobb@ci.champaign.il.us>
To: [REDACTED]
Cc: "statesatty@co.champaign.il.us" <statesatty@co.champaign.il.us>;
[REDACTED]
Sent: Tuesday, March 18, 2014 4:50 PM
Subject: Re: Formal Complaint of Police Brutality

[REDACTED]

3/20/2014

City of Champaign, IL Mail - Fwd: Formal Complaint of Police Brutality

Thank you for bringing this matter to my attention. [REDACTED] contacted me on Sunday to express your and her concerns. I've already instructed my command staff to look into this matter. I believe you have already spoken with Lt. Jon Swenson from our Professional Standards Unit and he will be your best contact as we review this incident. Thank you again for bringing this matter to our attention and I'm sorry we (CPD) failed to meet the expectation you had for us on this call.

Sincerely,

[Quoted text hidden]

[Quoted text hidden]



Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 403-6911 • fax (217) 403-6924 • www.ci.champaign.il.us

Mr. Benjamin Mann
1308 Garden Hills Drive
Champaign, Illinois 61821

May 7, 2014

Dear Mr. Mann:

A thorough investigation into your complaint alleging employee misconduct has been completed. Your complaint was investigated by the Professional Standards Lieutenant, and his investigation was reviewed by a District Commander, a Deputy Chief, and me. The investigation resulted in the following conclusions:

In your complaint you alleged that the arresting officers falsely arrested you. Our investigation revealed that the officers properly established probable cause for your arrest prior to placing you under arrest. That portion of your complaint is therefore unfounded.

You also alleged that the arresting officers used excessive force while accomplishing your arrest. You made several allegations within that portion of your complaint, and those specific allegations are addressed individually below.

The first allegation was that the arresting officers "body slammed" you. Our investigation revealed that one of the arresting officers utilized a "hip toss" to take you to the ground during your arrest. That use of force was within policy and the officer is exonerated from that portion of your complaint.

The second allegation was that an officer, or officers, struck you in the back of your head. The officers refuted that allegation and there is no independent evidence to support it, so that allegation is not sustained.

You also alleged that the arresting officers repeatedly punched you in the face and stomach. The officers refute that allegation and it is not supported by the physical evidence in this case. That allegation is therefore not sustained.

Lastly, you alleged that an officer, or officers, repeatedly kneed you in the genitals. One of the arresting officers reported that he delivered a knee strike to your midsection, and that knee strike was found to be within policy. All of the involved officers denied having repeatedly kneed you in the genitals and there is no independent evidence to support that allegation. Therefore, that allegation also cannot be sustained.

You may request that the City Manager review my decision. This request must be made within 30 days. If you have any questions, please call me at 217-403-6911.

Respectfully,

Chief Anthony Cobb
Champaign Police Department
14-01



City of CHAMPAIGN

Police Department • 82 E. University Avenue • Champaign IL 61820 • (217) 351-4545 • fax (217) 403-6904 • www.ci.champaign.il.us

To: Chief Anthony Cobb
From: Lt. Jon Swenson
Date: 4/16/14
Subject: Citizen Complaint #14-01

INCIDENT SUMMARY

On Sunday, March 16, 2014, at approximately 0211 hours, [REDACTED] called METCAD to request that police respond to her residence at [REDACTED] Hills Drive in Champaign, Illinois. During her call to METCAD, [REDACTED] provided the following information relative to her request:

- Her boyfriend was an individual identified as BENJAMIN MANN;
- She and MANN had "broken up after an argument about an hour ago;"
- MANN was currently outside of her residence and knocking on the door;
- MANN had been drinking;
- MANN was likely wanting property that she was in possession of; and
- MANN was a 32 year-old black male last seen wearing an Illini shirt.

[REDACTED] then indicated that she wanted to have an officer present during the exchange to "prevent any problems."

The METCAD dispatcher that answered [REDACTED] call created a "Remove Subject" ticket and then immediately dispatched Officers Marshall Henry and Matt Rush to [REDACTED].

Officer Henry was the first officer to arrive on scene, and according to dispatch records he arrived at 2:18:50.

Upon his arrival, Officer Henry observed a subject, later identified as BENJAMIN MANN, standing on the front porch at 1308 Garden Hills Drive. Upon noting Officer Henry's presence, MANN began "jumping up and down, yelling, and waving his hands."

Officer Henry then began to approach the front of [REDACTED] Drive on foot. As he did so, Officer Rush arrived on scene. According to dispatch records, Officer Rush arrived at 2:19:34. Officer Rush then also approached the front porch, though he was a short distance behind Officer Henry.

As Officer Henry neared MANN he said "What's going on?" MANN responded by stating, "You're the police."

Following this brief exchange, Officer Henry noted that MANN had his right hand in his right coat pocket. Officer Rush made the same observation. Both officers later stated that, because of the way MANN was holding his hand in his pocket, it appeared as though he was holding an object in his hand.

Due to the concern that MANN might be concealing something in his pocket, Officer Henry ordered MANN to remove his hand from his coat pocket. MANN responded to the initial order by stating, "Fuck you." Officer Henry then commanded MANN a second time to remove his hand from his coat pocket. MANN likewise refused to comply with that order.

In response to MANN'S second refusal, MANN was directed to turn around and place his hands behind his back. MANN ignored the order and instead moved towards the residence, pulled open the screen door, and attempted to enter the front door of the residence.

As MANN attempted to enter the front door of the residence Officer Rush moved towards MANN, placed him in a "bear hug," and attempted to physically control him and prevent him from entering the residence. MANN responded by using both arms to push off of the house and he then attempted to spin away from Officer Rush. At that time Officer Rush tackled MANN to the ground. Both landed on the front porch, with MANN landing on his upper shoulders and Officer Rush landing on top of him.

Officer Rush then positioned himself on top of MANN and commanded MANN to "stop resisting." Officer Henry took up a position on MANN'S right side, and efforts to handcuff MANN were initiated. MANN resisted those efforts and immediately began attempting to push himself up off the ground. MANN also began swinging his arms, reportedly towards Officer Rush's head and Officer Henry's head.

As both officers struggled to control MANN, Officer Rush contacted other responding units by radio and asked them to expedite their response.

When MANN persisted in his resistance, Officer Henry threatened to spray him with pepper spray. MANN did not heed the warning, so Officer Henry then directed a short burst of Oleo Capsicum (OC) spray directly into MANN'S face. The deployment of OC spray had no discernible effect on MANN'S efforts and he continued to resist attempts to handcuff him. It should be noted that Officer Rush was exposed to and inhaled some of the spray.

In response to MANN'S continued resistance, Officer Henry delivered several knee strikes to MANN'S right side common peroneal nerve (which is located along the outer portion of the thigh). Officer Rush simultaneously delivered several knee strikes to MANN'S left side common peroneal nerve. The strikes to MANN'S common peroneal nerve were largely ineffective, but they did allow the officers to briefly take control of MANN'S arms. During that time, Officer Rush was also able to place a handcuff on MANN'S left wrist. MANN ultimately pulled both arms free again, however, and he then continued his efforts to stand and/or escape the officers.

As the struggle to control and secure MANN continued, MANN actually got up off of the ground and made it to his feet several times. However, on each occasion the officers were able to successfully pull MANN back to the ground. On one of those occasions MANN was successfully brought back to the ground after Officer Rush delivered a knee strike to MANN'S stomach. After MANN was taken to the ground Officer Rush drove his forearm into the left side of MANN'S face in an attempt to pin him to the ground. That force was also unsuccessful in overcoming MANN'S resistance.

Officers Aikman and Schweska arrived on scene as the struggle to secure MANN was still in progress. Officer Schweska immediately began to assist Officers Henry and Rush with their efforts to handcuff MANN, and Officer Aikman stood by with a female, later identified as [REDACTED], to ensure that she did not interfere with the arrest.

MANN continued to struggle despite the involvement of a third officer. When it became apparent to Officer Aikman that Officers Henry, Rush, and Schweska were still having difficulty controlling and securing MANN, Officer Aikman moved to assist them.

During the continued struggle, Officer Rush undertook efforts to control and secure MANN'S legs. While attempting to control and secure MANN'S legs, Officer Rush delivered 2-3 "half strikes" to MANN'S upper right leg with his ASP.

Shortly thereafter, Officer Butler also arrived on scene. With his assistance, Officers Henry, Rush, Aikman, and Schweska were finally able to secure MANN in handcuffs.

The struggle to secure and handcuff MANN lasted approximately four (4) minutes. For about the first three (3) minutes, Officers Henry and Rush struggled to handcuff MANN by themselves. The struggle to handcuff MANN lasted a little over a minute following the arrival of Officers Aikman, Schweska, and Butler.

On numerous occasions throughout the struggle MANN pulled his hands and arms away from officers and buried them under his torso. On at least one occasion Officer Henry observed MANN move his right hand towards the pocket that he was initially directed to remove his hand from. On several occasions throughout the struggle MANN was given verbal orders to "Stop resisting" and to comply with efforts to handcuff him. MANN, however, ignored those orders.

MANN sustained several minor injuries during his struggle with officers. MANN sustained a minor cut to his mouth, a cut to his lip, abrasions to his forehead and right elbow, and minor cuts and bruising to his wrists. MANN was treated by Pro Ambulance personnel at the scene and then transported to Carle Hospital. After receiving treatment for his injuries at Carle Hospital, MANN was released. (Note – MANN'S injuries were photographed while he was being treated at Carle Hospital, and those photographs are attached to this report).

Upon MANN'S release from Carle Hospital, MANN was transported to the Champaign County Satellite Jail. MANN was left in the custody of correctional staff and charged with the following offenses: Aggravated Battery, and Aggravated Resisting a Peace Officer.

Officer Rush also sustained minor injuries during the struggle to arrest and secure MANN, specifically to his knees, hamstrings, and hands. Officer Rush received treatment for his injuries at Carle Hospital. He was also released following treatment.

No further injuries were reported.

WRITTEN STATEMENT / [REDACTED]

On Tuesday, March 18, 2014, [REDACTED] submitted an Employee Conduct Feedback form relative to this incident through the Department's website. [REDACTED]'S written statement reads as follows:

"I am writing in regards to the horrible incident that occurred with the police at my address at [REDACTED] in Champaign. I have had a hard time putting this letter together as I find it hard to put into words the horror and the disgust I now have for the Champaign Police Department. Here is my recollection of the events that occurred.

After a night out at a night club with my boyfriend, Benjamin Mann, my sister and her boyfriend, Ben and I had a disagreement and broke up. We parted ways and I headed home. Ben had walked home, which at the time I had not known that he had walked home, and he knocked on the doors and windows wanting his keys because he did not have the keys on him. Due to the exchanges we had through texts regarding our break-up, I thought it best to call the police to mediate the exchange of the keys and anything else he needed. My phone to 911 simply said that we had just broken up and that I'd like a police officer here to exchange keys and whatever else he needed. In that call I was

not frantic, I did not say that I was hurt or in danger, I simply wanted a mediator.

I let Benjamin know they were on the way. When they arrived, he let me know they had arrived through the door. I looked through the peephole, saw the lights of the car and when I opened the door I saw the police swiftly walking to the door with guns drawn yelling for him to take his hands out of his pockets. Now mind you, he had just got done walking from Urbana to Champaign, he was cold. He took his hands out of his pockets and in a matter of seconds a police officer had him in a choke hold and body slammed him. When he did this it was directly in front of me I had to step back inside for a second and when I stepped back out I could feel the pepper spray in the air. Benjamin was on the ground yelling that he could not breathe. He could not move as one officer had (h)is hands held behind his back, the other had his knee on his shoulder while the third officer punched him repeatedly in his stomach. I was screaming at the officers to stop and that he had not done anything wrong. I repeated and repeated this. I asked the officers why are you punching this man, why are you beating him?! This seemed to continue forever, and I saw blood coming out of Benjamin's mouth. As I was asking the officers why the officer that had his knee on him yelled at me to go in the house. I stepped inside and looked for my phone to film it (luckily a neighbor had already been doing this). But as I walked back to the door, Benjamin was getting lifted up and carried away.

A woman officer came to me, I believe her name was Officer Haugen, and before she really go(t) a chance to talk I expressed to her my disgust with the situation that happened. I told her that I called the police to mediate and bring a peaceful solution to this night and the opposite occurred. I expressed to her my regret in calling them due to the result and asked her why the police responded to the call the way they did. I was not hurt nor in pain nor in danger, I clearly just wanted a peaceful end. Why were the guns initially drawn, why not say "Hi, what going on tonight?" Why the need for the pepper spray? Why the excessive force? Just Why? She said the officers said he was resisting and that was a lie. The officers were aggressive from the moment I opened the door and saw them walking up.

At this point I'm very upset and visibly untrusting of the officers. I asked to see Benjamin myself, as I was honestly concerned from him being in their custody due to what I had just witnessed. She refused. Why? I then saw his mother and wanted her to be aware of what had just happened, she refused to let me go talk to her too. Why? If I would have went over there anyways, would I have been arrested? Beaten?

I hope you can feel my anger and disappointment through this letter. Up until this point I had began to regain confidence in the Champaign Police Department. As a property manager at Value Place in Champaign and Town Center Apartments, I began to build a relationship with them to help me clear out crime at my properties. I even received a letter from an officer, thanking me for my help in a missing person's case. I had built enough trust in them to come out and help bring the peace. And now I find myself afraid when I see a police car driving by me. As a black woman, there is a stigma about calling the police. You're just not supposed to do it. So when I called even for something as small as exchanging keys peacefully, you can't imagine the regret, horror, betrayal and outrage I feel at this time.

Please consider this as my formal complaint in this matter. I demand that you respond to this letter and deal with the problem officers and issues your police department has. I demand that you drop charges of resisting arrest on Benjamin Mann because it is wrong and is a way to cover up what was done wrong. That is the LEAST you can do."

I contacted [REDACTED] by telephone upon receipt of her Employee Conduct Feedback form. I explained to [REDACTED] that an administrative review of the incident leading to MANN'S arrest was already underway. I then discussed with [REDACTED] the cell phone recording that she mentioned in her written statement. [REDACTED] acknowledged that the recording existed, and she also indicated that she had personally viewed the recording. [REDACTED] stated that the recording only captured a portion of the incident leading to MANN'S arrest, and she acknowledged that the recording was dark and difficult to see, but she also stated that there was some audio on the recording that she thought would be of some value to our investigation.

I expressed to [REDACTED] my strong desire to obtain a copy of the recording, specifically so that it could be reviewed and considered as a part of this investigation, and I asked her if it would be possible for her to obtain a copy of the recording. [REDACTED] expressed confidence in her ability to obtain a copy of the recording. She also stated that she would be more than willing to provide me a copy of the recording should she be able to obtain a copy of it.

I concluded the conversation by providing [REDACTED] with my contact information, and I asked her to contact me as soon as she was able to obtain a copy of the recording.

WRITTEN COMPLAINT / BENJAMIN MANN

During the early afternoon hours on Tuesday, March 19, 2014, I retrieved a voice mail message from my office phone that had been left by BENJAMIN MANN. MANN requested that I contact him at his cell phone at my earliest convenience.

At approximately 1315 hours I contacted MANN at his cell phone. MANN expressed to me his intention to file an officer complaint, and he asked me if I would be willing to provide him with the names of the officers who arrested him on March 16, 2014. I provided MANN with the names of the officers who were directly involved in his arrest. After receiving the information that he had requested, MANN indicated that he would be filing a written complaint in the immediate future.

On Thursday, March 20, 2014, MANN submitted an Employee Conduct Feedback form relative to this incident through the Department's website. The written statement that MANN submitted in support of his complaint read as follows:

"On March 13th at approximately 1:58 am officers representing the Champaign County Police Department were called to [REDACTED] Or to facilitate in the exchange of my keys to me from my girlfriend [REDACTED]. I was standing on the front porch at the time directly underneath the porch light which was on. Within a few minutes I noticed two squad cars moving slowly toward the house with dimmed front lights and the spotlight on. I moved to the front of the porch in the yard and waved them in then stepped back on the porch under the light so they would know that this is the house. After I waved I noticed that the spotlights were directed at me. When the officers left their vehicles they were moving toward me in an aggressive hurried manner with their hands on their guns seeming anxious. When they were within five feet one yelled "get your hands out your pockets." I threw both my hands up in question and asked "what's going on?" They didn't answer but yelled in unison get your hands behind you back now. I asked while turning, "am I being detained?" Then I asked quickly am I under arrest? No response. I don't know if the questions angered them but right after that officer Matt Rush had a hold of my right wrist which was behind my back in his left hand and was punching me repeatedly in the stomach. I was hunched over from the pain and felt a hand on my neck then a blow to the back of the head which brought me completely down on my stomach sprawled on the concrete porch. I remember yelling "why are you doing this?" I didn't do anything. "Why are you hurting me?" Officer Marshall Henry's knee was on the back of my head and neck, that's when I saw Officer

Matt Rush started repeatedly punching me in the face. I yelled why are you doing this? I looked to the side to see the can of pepper spray directly in front of my face, and that's when officer Matt Rush sprayed me directly in my eyes for what seemed like five or six seconds. I was instantly barely able to pull oxygen because my lips were swollen, I had a mouth full of blood and the pepper spray was preventing me from breathing. I feel like they were trying to suffocate me to death. I can't describe the pain and fear I was in. After I was pepper sprayed I couldn't see a thing but I felt everything. My arms were chicken-winged behind me and they continued to beat and yell at me to stop resisting. All I could do at this point was holler in pain and beg them to stop but they didn't. They continued to punch me kick me and twist my body into more painful positions for better blows to my body and face. I remember being flipped over and a knee being rammed into my genitals over and over and over again. It felt like it would never stop. At some point I could hear Ashanti voice yelling "stop, this isn't what I called you for, your beating him." I heard them yell at her to get back in house and shut the door. I don't know when they stopped I blacked out. I remember being dragged and hurting everywhere. I remember hanging out of a squad car trying to breathe and being cursed and yelled at. I just heard voices at this point I was blind. I had a mouth full of blood and breathing was all but impossible. I felt some rough treatment to my face. I remember leaning over towards my feet to let the blood pour out my mouth so I could breath, then being cursed and kneed into the squad. I think I may have gotten blood all over my shoe because it disappeared and later I only had one. I remember being told I was in a hospital. I was aware because I think I was moaning from the pain and I was told to shut up and not make a scene because people are here. I remember saying this is wrong. Someone should have made a citizen's arrest. I remember someone saying to put that in the report that I mentioned a gun. So I stated I didn't say I had a gun I said you guy's should be arrested. Then I told them who were listening as I was still blind, I'm pressing charges. I kept asking where are the guys who beat me I have something to say to you. You're not going to get away with this. I was told they were not there. Then I heard someone say they're gone getting exams too. That's when I knew a cover up was transpiring right in front of me. I felt very afraid and alone at that moment. I asked them to take picture of everything but I felt a lamb in a den of wolves no real help. I just sat. No one examined me. They just looked. I told them my private area was in immense pain from being kneed repeatedly down there. I felt violated when they just yanked my pants down, left me sitting there with people all around. Someone finally came looked at my penis and said "you're fine." I was not examined. They harshly wiped my face took a picture or two put me in a wheelchair and carted me out. I could barely stand from the lower abdominal pain and I still couldn't see. When we arrived at the jail I sat for awhile before someone helped me from the car. When he brought me in I asked him how they could do this to people, I have done nothing to deserve this. This isn't right. He said to me he (Rush) has done this before and no one has filed a complaint. At that time I asked what I was being charged with and told Aggravated Assault to an officer. At that point I was beaten in every way possible. Full violation of my rights complete. The cuffs were so tight on my wrists that the meat of my wrists had swollen around the metal on the cuffs. Illegal behavior/Police misconduct. Police Brutality and excessive force - for the beating of my whole body with fists, elbows, kicks, punches, club strikes, slam to concrete, chokes, strikes to my privates, pepper spray and all other acts of violence towards me when no crime had been committed, the commission of or suspicion of based on call for peaceful public service. They were called to the scene to mediate continuation of peaceful evening and instead caused violence pain and loss of sense of security that "peace" officers are there to help. Failure to Intervene by other officers / Violation of due process law - police officers are sworn to protect citizen from harm and to preserve their civil rights and when the other officers participated in the brutal beating of my person or stood by as it happened instead of intervening and stopping it they did not uphold the very duty they were sworn to which is to protect and serve. False Arrest - when the

officers abused their power to detain, arrest and then beat my body without probable cause out of malice or to support their false allegation. I had committed no crime therefore why were they beating me and torturing for a charge that was later created as a result of their initial action towards me. I was repeated(ly) kneed all in my midsection and then blamed for an officer's knee hurting and charged me with assault to an officer."

COMPLAINT

MANN'S statement and written complaint contains allegations against the involved officers that, for the purpose of this investigation, were classified as follows:

1. FALSE ARREST – That the officers falsely arrested him during the early morning hours of March 16, 2013.
2. EXCESSIVE FORCE – That the officers also used excessive force in accomplishing his arrest.

POLICE REPORT

MANN'S arrest, and the facts and circumstances surrounding it, are documented in Champaign Police Department report number C14-2208. The original report was completed by Officer Kristina Haugen. The file includes supplemental reports from Sgt. Yandell and Officers Henry, Rush, Aikman, Schweska, Butler, and Epling.

A complete copy of the police report is attached to this memorandum.

TRANSCRIPT OF 911 CALL

The following transcript documents [REDACTED]'S telephone call to METCAD at 0211 hours on March 16, 2014.

Dispatcher: 911. Address of the emergency?

[REDACTED]: [REDACTED] Drive, Champaign, Illinois.

Dispatcher: Can you verify the address again for me?

[REDACTED]: [REDACTED], Champaign, Illinois.

Dispatcher: Phone number you're calling from?

[REDACTED]: [REDACTED].

Dispatcher: Tell me exactly what happened.

[REDACTED]: Um, possibly some domestic issues. I just need someone to be here to kind of mediate.

Dispatcher: Were you involved in it?

[REDACTED]: Yeah. He's knocking on the door and I don't want any issues.

Dispatcher: Who's knocking on the door?

[REDACTED]: My boyfriend.

Dispatcher: What's his name?

[REDACTED]: Benjamin Mann.

Dispatcher: Say it again? I'm sorry.

[REDACTED]: Benjamin Mann. We're, we had a little argument. We've broken up, but he's knocking on the door now.

Dispatcher: When was that?

[REDACTED]: That was maybe an hour or so ago. We were, we went out. It's my birthday weekend. He started saying all kinds of bad things, and I think it's all that (unintelligible) argue. And I just wanna have someone here just in case.

Dispatcher: Okay. What's your name?

[REDACTED]:

Dispatcher: Don't open the door. Okay?

[REDACTED]: Okay.

Dispatcher: Was anything physical earlier, or?

[REDACTED]: No, I just . . . it's almost like I just wanna make sure someone is here, please.

Dispatcher: Someone else is going to want to talk to you, okay?

[REDACTED]: Okay.

Dispatcher: Was he, does he say what he wants when he's knock on the door, or?

[REDACTED]: He wants to come in but, it's like, we broke up in a way. You know what I mean? Like, we said we're done with each other but he's beating on the door. And I don't want to let him in, and we argue and fight and no one knows. I just want someone to be here, that's all.

Dispatcher: Right, okay. And do you know what he's wearing today?

[REDACTED]: Uh, an Illini shirt.

Dispatcher: Okay. And is he white? Black?

[REDACTED]: He's black.

Dispatcher: And how old is he?

[REDACTED]: He's thirty-two.

Dispatcher: Would he have arrived in a vehicle?

[REDACTED]: No, uh, I think he got dropped off at home. Because we left and he wasn't there, so I think he got a ride from whatever night club we went to.

Dispatcher: Do you think he might be under the influence of something, or?

[REDACTED]: Yeah. He may have, may have had a few drinks. I wanna give him his keys to his car or whatever he needs, I just don't wanna argue or fight at the same time. That's all. You know what I mean?

Dispatcher: Mm-hmm, gotcha. Okay, well we'll get two officers on the way. I want you to just, like I said, don't open the door. We don't want anything to escalate, and officers will be there to help you get it sorted out. Okay?

[REDACTED]: Okay, thank you.

Dispatcher: If anything changes, call us back.

[REDACTED]: I will. Bye-bye.

REVIEW OF MOBILE VIDEO RECORDING SYSTEM:

During the course of this investigation I checked the Mobile Video Recording system for any/all videos related to this incident. I ultimately located relevant videos that were captured by the following officers:

- Officers Schweska and Aikman / Squad 39
- Officer Epling / Squad 45
- Officer Haugen / Squad 46
- Officer Butler / Squad 35
- Officer Oberheim / Squad 55
- Sgt. Yandell / Squad 28
- Sgt. Lack / Squad 98

During the course of this investigation I reviewed each of these recordings. Pertinent observations are documented in the "TIMELINE OF EVENTS" section of this memorandum.

TIMELINE OF EVENTS

Through a review of audio and video recordings, dispatch tickets, radio traffic, and police reports, I was able to establish the following timeline of events and document the following statements. The documentation of officer and suspect statements is not all-inclusive, and this section is not intended to serve as a complete transcript of on-scene dialogue. Please also note that all times are approximate.

<u>TIME</u>	<u>ACTIVITY</u>
02:11:44	[REDACTED] calls METCAD and asks for an officer to respond to her residence.
02:13:16	Officers Henry and Rush are dispatched to [REDACTED] Drive.
02:17:37	Officer Henry arrives in the area of the residence.
02:18:03	Officer Butler indicates that he is en route to the residence.
02:18:50	Officer Henry arrives at the residence.
02:19:34	Officer Rush arrives at the residence.
02:20:56	Officer Rush requests that other responding units expedite their response.
02:21:02	Officers Aikman and Schweska arrive at the scene.
02:22:00	Officer Butler arrives at the residence.
02:22:01	Female, believed to be [REDACTED], says "stop hitting him."
02:22:20	An unknown black male appears in the street in front of the residence and appears to be recording activity with a cell phone camera.

TIME	ACTIVITY
02:22:10	Female, believed to be [REDACTED], says "he's just one man."
02:22:26	An unidentified officers tells MANN several times to "put your hands behind your back."
02:22:31	An unidentified officer tells MANN to "stop resisting."
02:23:12	Officer Rush indicates that his knee/leg is injured.
02:23:13	MANN is secured in handcuffs and taken into custody.
02:23:00	An unidentified officers asks MANN, several times, "Where does it hurt?"
02:23:20	Officer Epling arrives at the scene.
02:23:40	An ambulance is requested at the scene.
02:24:10	Officer Oberheim arrives at the scene.
02:24:15	Sgt. Yandell arrives at the scene.
02:24:20	MANN is searched by Officers Butler and Voges prior to being placed in a squad car.
02:25:00	Sgt. Lack arrives at the scene.
02:25:20	Officer Rush advises Sgt. Yandell that his knee is injured.
02:25:06	Officer Haugen arrives at the scene.
02:25:37	Officer Henry says, "He's yelling like this to me and I'm by myself. I'm waiting for Rush and he's jumping around. We go up there and he's got his hands in his pocket. I'm ordering him to take his hand out of his pocket and he's refusing. He's like, 'Fuck you.' And we're like take your hand out of your pocket. He finally takes his hand out, well no, he actually keeps his hand in his pocket and turns towards the door like he's wanting to confront somebody in the house. So we make contact with him to try to get his hand out of his pocket and the fight is on after that. He's refusing to comply with our orders and I sprayed him."
02:26:22	Sgt. Yandell asks, "Is he skinned up?"
02:26:24	Officer Rush replies, "Probably."
02:26:25	MANN is placed in the rear of Officer Epling's squad car.
02:28:13	PRO Ambulance personnel arrive at the scene.
02:28:16	Officer Schweska states, "That guy would not give up his arms to save his life."
02:29:00	MANN'S mother, [REDACTED], arrives on scene and meets briefly with Sgt. Yandell. [REDACTED] indicates that her son was "angry" when he arrived at [REDACTED] because he and [REDACTED] "had been into it earlier in the evening."

TIME	ACTIVITY
02:32:20	An unidentified officers says, "That spray didn't do anything but piss him off."
02:32:33	Officer Henry states, "I didn't use if (OC spray) until I had to."
02:32:45	Sgt. Yandell asks, "Did you guys punch him or are these injuries from the ground or what?"
02:32:51	Officer Rush says, "Everything probably."
02:35:15	Officer Schweska states, "He did not want to give us his arms."
02:38:30	MANN is overheard saying, "They're cowards. They're all soft-ass cowards. They mama's cowards, too."
02:39:30	Sgt. Yandell directs Officer Epling to photograph MANN'S injuries at the hospital.
02:44:24	MANN asks Officer Epling, during transport, "Why did they hit me?"
02:44:30	Officer Butler asks [REDACTED], "Why was he out here screaming?" [REDACTED] replies, "Because he was angry because she's playing games and wouldn't give him his keys. He's tired of it. And every time the first thing she does is 'I'm gonna call the cops on ya.' She called the cops and sent 'em down to his job about that little truck right there saying he stole the truck. He lost his job. Bullshit, when the truck was already his."
02:45:00	MANN states, "I didn't do anything. I just got home and they started hitting me."
02:45:25	MANN states, "I'm hurting everywhere."
02:48:14	Officer Epling arrives at Carle Hospital with MANN.
04:03:20	Officer Epling departs Carle Hospital with MANN.
04:12:00	Officer Epling arrives at the Satellite Jail with MANN.

REVIEW OF BOOKING VIDEO TAKEN AT SATELLITE JAIL

During the course of this investigation I obtained and reviewed a copy of the video recording that was captured at the Champaign County Satellite Jail during MANN'S intake.

The recording contained no audio and it was largely unremarkable, but I did note the following during my review:

- MANN exited the squad car and walked from the sallyport into the booking area without assistance. However, he moved slowly as he did so.
- MANN'S wrists were secured with two (2) pairs of handcuffs, which were chained together, at the time he entered the booking area.
- MANN sat in a chair during his intake, and during his intake he stood and sat several times with no apparent difficulty.
- MANN appeared to be cooperative with the correctional officer who handled his intake.
- Following his intake MANN rose from his chair and moved into the holding area without assistance, though he again moved slowly as he did so.

INTERVIEW OF CCSO DEPUTY HAMMEL

During the week of March 24, 2014, I spoke with Captain Cook and Lt. Cravens from the Champaign County Jail on several occasions in an attempt to arrange an interview with the correctional officer who handled MANN'S intake on March 16, 2014. During preliminary discussions, the intake officer was identified as Deputy Hammel.

On Thursday, March 27, 2014, Captain Cook granted me permission to interview Deputy Hammel. Captain Cook advised me that there was one caveat to the interview, and that was that Deputy Hammel would not be permitted to provide me with any information related to the medical questionnaire that was completed when MANN was admitted into the jail.

I ultimately interviewed Deputy Hammel regarding this investigation on the morning of Friday, March 28, 2014. It should be noted that Deputy Hammel was accompanied by Lt. Cravens during the interview.

Upon interview, Deputy Hammel provided me with the following information:

- Deputy Hammel was on duty and working on March 16, 2014, and during his shift on that date he processed MANN for intake at the Champaign County Satellite Jail.
- Upon MANN'S admission into the jail Deputy Hammel noted that MANN had a cut on his lip and an abrasion on his forehead.
- MANN did not specifically state how he had suffered the injuries, but he did generally allude to the fact that they had been sustained during the course of his arrest.
- MANN indicated general dissatisfaction with the officers who arrested him, but he did not make any specific allegations related to their conduct.
- During admission MANN admitted that he had been at a bar earlier in the evening. MANN also admitted to having consumed alcohol prior to his arrest.
- MANN had an odor of alcohol on/about him.
- MANN was not "falling down drunk," but Deputy Hammel believed that MANN was impaired as a result of his consumption.
- Deputy Hammel had no reason to suspect that MANN was under the influence of any other substances, and MANN did not admit to using any other substances when he was admitted.
- MANN was generally cooperative during intake. However, MANN continually asked Officer Epling why he had been arrested and what he was being charged with. Deputy Hammel ultimately had to ask Officer Epling to step into the booking area so that MANN could focus on providing the information that was necessary for his admission.
- Officer Epling did submit a medical release for MANN at the time that MANN was admitted into the jail.
- There was nothing else remarkable about MANN'S intake.

NEIGHBORHOOD CANVAS

On Wednesday, March 19, 2014, Sgt. Jaceson Yandell was directed to conduct a neighborhood canvas in an attempt to locate and interview any witnesses to the incident giving rise to this complaint. The following is a summary of the neighborhood canvas:

1 [REDACTED] - Contact was made with resident [REDACTED], who advised that he was home at the time of the incident. [REDACTED] noted the presence of several police vehicles in the street, but he did not witness the incident.

1 [REDACTED] - Contact was made with resident [REDACTED], who advised that she was home at the time of the

incident. [REDACTED] awoke to the sight of flashing police lights, but she did not witness the incident.

[REDACTED] E – Contact was made with a black female resident who refused to identify herself. The unidentified female indicated that she was home at the time of the incident but stated that she did not see or hear the incident.

[REDACTED] VE – No answer at the door. According to the resident at [REDACTED] VE, this residence is vacant. A search of the Department's ARMS database yielded no tenant information.

[REDACTED] VE – Contact was made with [REDACTED], who advised that he was home at the time of the incident. RIVERA was unaware of the incident and did not see or hear anything that happened that night.

[REDACTED] VE – Contact was made with [REDACTED] F, who advised that she was home at the time of the incident. [REDACTED] was also unaware of the incident, and she did not see or hear anything that happened that night.

INTERVIEW OF [REDACTED]

During his neighborhood canvas on March 19, 2014, Sgt. Yandell also contacted [REDACTED] at [REDACTED] provided Sgt. Yandell with the following information relative to this complaint:

- [REDACTED] T was at home and inside his residence at the time of the incident. J. [REDACTED] T stepped outside of his residence when his son, [REDACTED] T, told him that the police were outside (across the street).
- [REDACTED] T then went outside with [REDACTED] T and observed three (3) police officers at the doorway of [REDACTED] T. It appeared to J. [REDACTED] T that the officers were coming from within the residence, but he was uncertain as to whether or not they had actually been inside the residence. J. [REDACTED] T stated that the officers were "beating" the male resident.
- The officers and the male resident were on the front porch moving away from the door to the residence when the officers pushed the male to the ground. All parties involved wound up on the ground on the concrete front porch.
- One of the officers then took hold of the male's head and repeatedly bounced it off of the concrete. While the first officer was banging the male's head on the ground, a second officer took out a nightstick and struck the male with it.
- [REDACTED] used his son's cell phone to record the incident, and in doing so he moved from the front porch of his residence to the middle of the roadway.
- [REDACTED] T did not move any closer to the incident because he did not want to give the officers cause to believe that he was involved and he did not want to interfere.

When [REDACTED] concluded his statement Sgt. Yandell requested that he provide him with a copy of the video in question. [REDACTED] T responded to the request by stating, "I can't right now, because someone else has it." Sgt. Yandell then advised [REDACTED] T that in order for the Department to conduct a thorough investigation into this matter the Department would need to obtain a copy of the video. [REDACTED] responded by reiterating that he was unable to provide the video at that time.

Sgt. Yandell then requested to speak with [REDACTED] S son, [REDACTED]. [REDACTED] advised that [REDACTED] was not home at that time, but he did provide Sgt. Yandell with [REDACTED] S cell phone number.

FOLLOW-UP INTERVIEW WITH [REDACTED]

On Monday, March 31, 2014, I responded to [REDACTED] in an effort to speak with [REDACTED] regarding this investigation.

Upon my arrival I knocked on the door and was greeted by an individual who identified himself as [REDACTED]. I identified myself and asked [REDACTED] if I could speak with him for a few minutes to clarify the information that he had previously provided to Sgt. Yandell. [REDACTED] advised me that he was willing to speak with me and he then invited me into the residence.

In response to a series of specific questions, [REDACTED] then provided me with the following information:

- [REDACTED] was home and inside his residence at the time of the incident in question.
- [REDACTED] stepped outside of his residence after being prompted to do so by his son, [REDACTED], who told him that the police were at the residence across the street.
- At the time of the incident [REDACTED] had no idea why the officers were called to respond to [REDACTED] in the first place. (Note - At the time of my conversation with [REDACTED] he still did not know why the officers had been called to [REDACTED] Garden Hills Drive).
- It was dark outside when [REDACTED] stepped outside of his residence, but he was confident that there were three (3) officers struggling with the male resident at [REDACTED] at the time he began observing the incident in question.
- [REDACTED] is personally acquainted with the male resident [REDACTED] and he knows that subject to be [REDACTED].
- Soon after [REDACTED] began observing the incident in question he observed an unidentified officer pull or tackle [REDACTED] to the ground.
- After MANN was taken to the ground [REDACTED] saw an unidentified officer use the palm of his hand to force MANN'S head down to the ground. [REDACTED] believed that the unidentified officer forced MANN'S head to the ground "a couple of times."
- It was apparent to [REDACTED] that the officers were engaged in a significant struggle with MANN.
- Upon noting that the officers were struggling with MANN, [REDACTED] obtained a cell phone from his son [REDACTED] and began video recording the incident.
- [REDACTED] had no idea why MANN was struggling with the officers or what caused the struggle to begin.
- Due to the lack of lighting and the distance from which he was observing the incident, [REDACTED] could not tell whether or not MANN was resisting the officers' efforts.
- During the officers' struggle with MANN, [REDACTED] also observed an unidentified officer strike MANN approximately three times with a baton. (Note - [REDACTED] demonstrated the strikes that he observed, and in my opinion they would appropriately be classified as "half strikes").
- [REDACTED] was uncertain as to what area of MANN'S body was impacted by the baton, but based upon the way that the officers were positioned around MANN he suspected that MANN may have been struck in the torso by the baton.
- [REDACTED] could not tell and does not know whether or not any of the officers ever deployed pepper spray during their struggle with MANN.
- [REDACTED] could not recall whether or not any of the officers issued any verbal commands to MANN.

- [REDACTED] has no hostility towards the officers involved in MANN'S arrest and understands that they have a tough job, but based upon his observations he believed that the manner in which the handled the struggle with MANN "appeared to be a little bit excessive."

After speaking with [REDACTED] I made several requests to either view or obtain a copy of the footage that he captured on his son's cell phone. [REDACTED] declined to let me view the video. He also stated that he would be withholding the video for MANN'S attorney, should MANN retain one.

I asked [REDACTED] several specific questions concerning the video, and in response he provided me with the following information:

- That the video was dark and difficult to see and might not be particularly helpful.
- That it was more likely that the recording contained audio evidence that might be of value.
- That he was not certain of the length of the recording.

I concluded my conversation with [REDACTED] by thanking him for his time and assistance. I also provided him with my contact information and asked him to contact me directly if/when he was willing to allow me to view or obtain a copy of the footage that he captured on his son's cell phone.

ATTEMPTS TO INTERVIEW [REDACTED]

Following his interview with [REDACTED] on March 20, 2014, Sgt. Yandell contacted [REDACTED] at his cell phone. After reaching [REDACTED] by telephone, Sgt. Yandell asked to meet with him so that he could take a statement from him regarding this incident. [REDACTED] indicated that he would not be unavailable until after 1930 hours because he was on his way to an evening class at Parkland College.

Sgt. Yandell then asked [REDACTED] to contact him by telephone as soon as his class was finished. [REDACTED] agreed to do so.

As of 2020 hours that evening [REDACTED] had yet to contact Sgt. Yandell, so Sgt. Yandell again attempted to contact [REDACTED] at his cell phone. [REDACTED] did not answer the telephone. Sgt. Yandell was unable to leave a message for [REDACTED] because the voice mail function on his cell phone had not been set up.

At approximately 2045 hours that evening Sgt. Yandell returned to [REDACTED] in an effort to contact [REDACTED]. Sgt. Yandell learned from speaking with [REDACTED] that [REDACTED] had returned home from class but had since left with a friend.

Sgt. Yandell provided [REDACTED] with a business card and asked that [REDACTED] contact him at his earliest convenience, but as of the date of this memorandum [REDACTED] has yet to contact Sgt. Yandell.

INTERVIEW OF OFFICER NATE EPLING

In the written statement that MANN submitted in support of his complaint he described a conversation that he allegedly had with Officer Epling at the Champaign County Satellite Jail following his arrest. MANN specifically alleged that when he complained to Officer Epling about the manner in which he was treated by the arresting officers he was told by Officer Epling that, "He (Rush) has done this before and no one has filed a complaint."

On the morning of Tuesday, April 1, 2014, I interviewed Officer Epling regarding this investigation. At the time of that interview Officer Epling provided me with the following information:

- Officer Epling was on duty and working during the early morning hours of March 16, 2014, and during the course of his duties that day he responded to [REDACTED].
- MANN was already in custody at the time that Officer Epling arrived at [REDACTED].
- Officer Epling subsequently took custody of MANN and transported him from [REDACTED] to Carle Hospital to be treated for injuries that he sustained during his arrest.
- Officer Epling also transported MANN from Carle Hospital to the Champaign County Satellite Jail after he had received treatment for his injuries.
- During both transports MANN was situated sideways in the back seat of the squad car. MANN was seated in this manner on his own accord. MANN was not situated in that manner by officers, nor was he directed by an officer to sit in that manner during transport.
- Officer Epling believed that MANN was "heavily impaired" due to alcohol consumption during the time that MANN was in his custody.
- Officer Epling had absolutely no conversation with MANN concerning MANN'S desire to file a complaint against any officer of the Champaign Police Department.
- MANN never expressed any complaint to Officer Epling with regard to the manner in which the arresting officers treated him.
- Officer Epling had absolutely no conversation with MANN concerning Officer Rush or Officer Rush's complaint history.
- Officer Epling adamantly denied making the statement that MANN attributed to him.
- When MANN arrived at Carle Hospital he repeatedly "screamed and yelled" and was "more than uncooperative" with medical staff.
- The only injury that Officer Epling ever heard MANN complain about was that his "dick and balls hurt." That complaint was specifically directed towards the medical staff at Carle Hospital.
- While MANN was being treated at Carle Hospital Officer Epling took photographs of his injuries.
- The first and only time that MANN complained to Officer Epling about the tightness of his handcuffs was at Carle Hospital during his treatment.
- Given the difficulties that officers had controlling MANN at [REDACTED]s [REDACTED], Officer Epling was not comfortable removing and adjusting MANN'S handcuffs while he was alone so he waited for Sgt. Yandell to arrive at the hospital to assist him.
- When Sgt. Yandell arrived at the hospital he and Officer Epling removed MANN'S handcuffs, allowed him to briefly stretch, and then re-secured MANN'S wrists using two (2) pairs of handcuffs.
- When MANN arrived at the Champaign County Satellite Jail he repeatedly asked Officer Epling why he had been arrested and what offenses he was being charged with. Officer Epling repeatedly provided MANN with the same answers to both questions.
- When it became apparent that MANN was more focused on his arrest and charges than he was on providing the deputy at the jail with the information needed for intake the deputy asked Officer Epling to step into the holding area so that he (the deputy) could gather the information that was necessary for MANN'S admission.
- When MANN was admitted into the Champaign County Satellite Jail Officer Epling departed and that concluded his involvement in this incident.

ATTEMPTS TO INTERVIEW MEDICAL PERSONNEL AND OBTAIN RECORDS

On Thursday, March 20, 2014, I had a pre-arranged meeting with [REDACTED] at her residence. At that time I delivered the citizen complaint intake response and a Citizen Complaint Fact Sheet to [REDACTED]. I requested that [REDACTED] deliver both items to MANN. [REDACTED] agreed to do so.

At the time of our meeting I also provided [REDACTED] with a Carle Hospital Medical Release form. I informed [REDACTED] that I needed MANN to sign the form and return it to me so that I could (1) obtain copies of the medical records related to his treatment, and (2) interview the medical staff who treated him. I further informed [REDACTED] that Carle Hospital would not release MANN'S medical records or permit me to speak with their staff without a release. [REDACTED] stated that she understood and she indicated that she would pass along my request to MANN.

Prior to leaving [REDACTED]'S residence I provided her with a stamped envelope which was addressed to me at the Champaign Police Department. I advised her that MANN could use the envelope to mail the medical release to me.

On Friday, March 28, 2014, I again responded to [REDACTED] in an effort to make contact with MANN. I was specifically interested in obtaining a signed medical release from MANN. I was also hoping to interview MANN so that I could clarify his written statement and gather some additional details.

Upon my arrival at [REDACTED] I knocked on the front door of the residence. It took several minutes to get an answer, but the door was ultimately answered by what appeared to be a teenaged black female. I identified myself by name and office and requested to speak with MANN. Although a pick-up truck which registered to MANN was parked in the driveway of the residence, the female nonetheless informed me that MANN had since moved and no longer lived at [REDACTED]. I thanked the female for her time and indicated that I would attempt to reach MANN by phone. She then closed the door.

On Monday, March 31, 2013, I was finally able to reach MANN by telephone. When MANN answered the phone I identified myself by name and office. I then informed MANN that I had yet to receive his signed medical release. I further informed MANN that I could not access his medical records and would not be allowed to speak with the nurse and doctor who treated him without a signed release.

MANN responded by informing me that he was unwilling to provide me with a signed medical release. MANN then stated that he had issues with the medical staff at Carle Hospital, and he expressed the belief that he was not properly treated by the medical staff at Carle Hospital when he was examined by them on March 16, 2014.

MANN concluded our phone call somewhat abruptly when he began to experience difficulty with his cell phone. However, prior to the conclusion of our conversation I asked that MANN contact me at my office phone at his earliest convenience so that we could further discuss his complaint. MANN agreed to do so.

INTERVIEW WITH [REDACTED]

Through a series of phone calls, I arranged to interview [REDACTED] regarding this investigation. I ultimately interviewed [REDACTED] on Thursday, April 3, 2014, when she met with me at the Champaign Police Department. In response to a series of specific questions, [REDACTED] provided me with the following information:

- On the evening of March 15, 2014, [REDACTED] and MANN went with another couple to the A-Plus Lounge in Urbana, Illinois.

- While at the A-Plus Lounge [REDACTED] consumed one (1) beer and one (1) shot of hard liquor.
- [REDACTED] and MANN had an argument while they were at the A-Plus Lounge together, and ultimately they decided that they were no longer "going to see each other."
- Following that argument, MANN left the A-Plus Lounge alone.
- After MANN departed he sent [REDACTED] a series of text messages in which he said "some very mean things" to her.
- [REDACTED] returned to her residence [REDACTED] after leaving the A-Plus Lounge. It was sometime during the early morning hours of March 16, 2014 when [REDACTED] arrived at home.
- Sometime after [REDACTED] arrived at home MANN showed up at the residence and began knocking on the doors and windows.
- [REDACTED] believed that MANN was most likely wanting to retrieve his keys and other personal items from the residence. [REDACTED] was willing to allow MANN to retrieve those items, but she didn't want to have "any issues" with MANN so she called "911" and asked for an officer to respond to her residence.
- Three (3) Champaign police officers arrived at [REDACTED] residence a short time later.
- [REDACTED] looked outside when the three (3) officers arrived at her residence and observed MANN talking to the officers "with both hands in the air."
- [REDACTED] believes she then heard MANN ask the officers, "What's going on?"
- Knowing that there were officers on scene, [REDACTED] opened the front door to her residence and stood in the doorway. Upon doing so, [REDACTED] observed the officers, without any cause, immediately draw their weapons and point them at MANN.
- Without any provocation, an officer then walked up behind MANN and "put him in a choke hold."
- The officer who placed MANN in the choke hold then lifted MANN off of the ground and body slammed him.
- After MANN was taken to the ground he was pepper sprayed for no reason.
- [REDACTED] did not actually witness the officer pepper spray MANN, but she could "smell and taste the pepper spray in the air."
- After MANN was taken to the ground and pepper sprayed an officer held MANN'S hands behind his back. A second officer placed his knee in MANN'S back to pin him to the ground, and a third officer then began repeatedly punching MANN in the stomach.
- When I pointed out to [REDACTED] that it seemed to be physically impossible for an officer to punch MANN in the stomach while one officer held his hands behind his back and another pinned him to the ground by placing his knee in MANN'S back, [REDACTED] stated "he (MANN) was on his side."
- [REDACTED] acknowledged that she heard the officers tell MANN to "stop resisting" on multiple occasions, but she asserted the belief that MANN in no way resisted the officers.
- [REDACTED] never observed MANN make any attempt to get to his feet, to escape from the officers, or to stand up.
- [REDACTED] never observed MANN swing his arms, and she did not recall him making any effort to swing his arms at or towards the officers.
- [REDACTED] believed that she observed the confrontation between MANN and the three (3) Champaign police officers from start to finish.
- [REDACTED] believed that the confrontation between MANN and the three (3) Champaign police officers lasted approximately two (2) minutes.
- [REDACTED] refuted the assertion (as documented by Officer Aikman in his report) that an officer stood by with her for a period of time during this confrontation, to prevent her from interfering with the arrest, but then moved to assist the other officers when it was apparent that they were having

difficulty handcuffing MANN. [REDACTED] specifically stated that the officers showed "no concern" for her presence or proximity to the arrest.

- After further discussion on that matter [REDACTED] acknowledged that at some point during the incident an officer had directed her to step inside of her residence. [REDACTED] acknowledged that fact after recalling that when she later emerged from the residence she observed MANN in handcuffs and being "carried away".

ATTEMPTS TO INTERVIEW BENJAMIN MANN

As of the date of this memorandum MANN has yet to contact me and I have been unable to interview him regarding this matter.

It should be noted that when I concluded my interview with [REDACTED] on April 3, 2014, I asked her whether or not she was regularly communicating with MANN.

[REDACTED] acknowledged that she and MANN were in regular contact. She also indicated that she and MANN frequently spoke.

I asked [REDACTED] to remind MANN that I was still waiting to hear back from him. I also asked her to convey to MANN that I was still very much interested in interviewing him regarding his complaint. [REDACTED] then indicated that MANN had informed her that he had no intention of speaking with me regarding this investigation.

I reiterated my desire to speak with MANN and explained to [REDACTED] that quality and thoroughness of this investigation was likely going to suffer as a result of MANN'S refusal to speak with me. [REDACTED] responded to that information by stating, "He is not going to talk to you. That is not gonna happen."

ATTEMPTS TO INTERVIEW AMBULANCE PERSONNEL

On Tuesday, March 25, 2014, I called Pro Ambulance in an effort to arrange interviews with the ambulance personnel who responded to [REDACTED] on March 16, 2014.

When I called Pro Ambulance the phone was answered by an administrative employee who did not identify herself by name. I identified myself by name and office, explained that I was investigating a citizen complaint, and asked for the names of the ambulance personnel who responded to [REDACTED] March 16, 2014. The employee informed me that she could not release that information to me. She then directed me to call Pat Mannen, who serves as the Risk Manager for Presence Covenant Medical Center (the parent company of Pro Ambulance).

I immediately contacted Pat Mannen by phone. I identified myself by name and office and I explained that I was investigating a citizen complaint. I further informed Ms. Mannen that the subjects of the complaint were all Champaign police officers, and I expressed a desire to interview the ambulance personnel who treated MANN at the scene. Ms. Mannen was expressly informed that the ambulance personnel were merely potential witnesses to the complaint.

Ms. Mannen likewise told me that she could not release the names of the ambulance personnel who responded to [REDACTED] on March 16, 2014. I then asked her if she could do so if I sent a formal request on Department letterhead. Ms. Mannen then indicated that the identities of the ambulance personnel would only be released pursuant to a subpoena.

Since it is not possible to obtain a subpoena for an administrative investigation I have been unable to identify or interview the ambulance personnel who responded to [REDACTED] and treated MANN on March 16, 2014.

RESISTING ARREST HISTORY – BENJAMIN MANN

Under normal circumstances I do not believe that a complainant's arrest and/or criminal history should be considered in reaching a finding relative to a complaint. In this case, however, MANN has a demonstrated history of resisting arrest and I believe that it is appropriate to at least document that history.

In reviewing MANN'S arrest history in the Area Wide Records Management (ARMS) system I noted that MANN has been arrested and charged with resisting arrest on three (3) previous occasions. Those occasions can be summarized as follows:

<u>DATE</u>	<u>CHARGES</u>	<u>OUTCOME</u>
12/16/05	Motor Vehicle Theft Resisting Arrest Warrant	Sentenced to 4 years in the Dept. of Corrections on a petition to revoke probation.
7/21/05	Domestic Dispute Resisting Arrest	Dismissed. Victim not cooperative.
6/18/99	Obstructing Justice Resisting Arrest	Plea of guilt. Sentenced to 12 months of conditional discharge. Responsible for fine and costs.

MANN'S arrests on December 16, 2005 and June 18, 1999 both occurred in Champaign. MANN'S arrest on July 21, 2005 occurred in Urbana. Each arrest was made by a different officer, and none of the officers who are subject to this complaint were involved in any of the previous resisting arrest incidents.

It should be noted that a thorough examination of the ARMS database also revealed that there have been no documented previous contacts between MANN and the officers who are subject to this complaint.

USE OF FORCE ANALYSIS

An officer's authority to use force comes from both department policy and Illinois state law. From a policy perspective, an officer's use of force is governed by Champaign Police Department Policy 1.3, which is titled "Use of Force." From a statutory perspective, an officer's use of force is governed by Illinois Compiled Statute 720 ILCS 5/7-5. Both authorize an officer to use force when the officer reasonably believes that force is warranted to accomplish a lawful objective.

720 ILCS 5/7-5, Peace Officer Use of Force in Making Arrest;

A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.

1.3.1 FORCE NECESSARY TO ACCOMPLISH LAWFUL OBJECTIVES

State law and the City of Champaign have entrusted its police officers with the unique powers and authority designated to assist them in performing their duties. Officers, under certain circumstances, have the right to apply force, including lethal force, on another human being. Such application will be based upon the reasonable belief that such force is warranted and justified based upon current laws and the policies of this Department.

USE OF FORCE PRINCIPLES

1.3.1(B)(1)

An officer may use force in the performance of his duties under the following circumstances:

1. To prevent or terminate the commission of an offense.
2. In self defense or the defense of another.
3. To effect the arrest of an offender, including those resisting arrest or attempting to flee from arrest or custody.
4. To prevent a person from injuring themselves.

1.3.1(B)(2)

The use of force continuum, in order of escalation, is as follows:

1. Verbal persuasion.
2. Non-deadly force.
3. Deadly force.

1.3.1(B)(4)

It is not intended that any suspect or offender should ever be allowed to be the first to exercise force, thus allowing them to gain an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to a lesser level of force to defend against a threat of violence that places the officer or others at greater risk or to engage in a prolonged physical confrontation before resorting to a use of force that will more quickly and safely bring the arrestee under physical control.

1.3.4 USE OF LESS LETHAL WEAPONS

ASP Baton/Baton: The baton is intended to be used against unarmed aggressive subjects or when lesser levels of control have failed or been determined to be inadequate.

Oleo Resin Capsicum Spray: OC spray is intended to be used primarily against unarmed subjects who officers reasonably believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person.

Tackling, knee strikes, and other physical controls are authorized when the officer reasonably believes that such force is warranted and justified.

COMPLAINT FINDINGS

Several parties to this complaint, including [REDACTED] himself, have mentioned that [REDACTED] video recorded at least a portion of MANN'S arrest. Numerous attempts to obtain a copy of that recording have been made; those attempts have included directly requesting the video from [REDACTED]. [REDACTED] has declined to provide the Champaign Police Department with a copy of his recording of MANN'S arrest.

Due to [REDACTED] refusal to provide the Champaign Police Department with a copy of the recording, the recording was not reviewed during the course of this investigation and any video or audio evidence that the recording contains could not be considered in reaching findings relative to the specific allegations made by MANN and [REDACTED].

The following findings were reached based upon a review of the available evidence in this case.

ALLEGATION #1 – FALSE ARREST

That MANN was falsely arrested during the early morning hours of March 16, 2013.

FINDING #1 – UNFOUNDED

The officers involved in this case were dispatched to [REDACTED] for a "remove subject" call. Officers Henry and Rush were the first officers to arrive on scene. When they arrived they observed MANN standing on the front porch of the residence. MANN had at least one of his hands in his coat pocket, and the officers ordered MANN to remove his hand/hands from his pocket(s). Those facts are not in dispute.

MANN and [REDACTED] both allege that MANN complied with those orders and was then physically attacked by the officers for no reason.

The officers' account of the incident differs. The officers contend that MANN was immediately ordered to remove his right hand from his coat pocket but refused to do so. They further contend that MANN responded to the first order by stating, "Fuck you."

Similar orders were given to MANN on several more occasions. MANN likewise failed to comply with those orders. On at least one occasion MANN was advised that he was going to be sprayed with OC spray if he failed to remove his hand from his pocket. MANN not only continued to refuse to remove his right hand from his coat pocket, but he also then turned, moved towards, and began to enter the front door of the residence.

Officer Rush responded and attempted to control MANN and prevent his entry into the residence by placing him in a bear hug and pinning him up against the door frame of the front door to the residence. MANN used both hands to push off of the residence and then spun away from Officer Rush. While doing so, MANN also reportedly reached back towards his right pocket.

At that point Officer Rush "hip tossed" MANN to the ground. A struggle that lasted approximately four (4) minutes ensued, but MANN was ultimately secured in handcuffs and taken into custody.

Based upon the available evidence, it is clear that MANN was angry at the time that officers responded to 1308 Garden Hills Drive. Prior to this incident, MANN and [REDACTED] were involved in a verbal argument while they were out together in Urbana. The argument was significant enough that they agreed to end their relationship, and it was significant enough that they did not leave together from the location where they argued.

Following that argument, MANN sent [REDACTED] a series of texts to [REDACTED] in which he said "some very mean things to her."

During her call to METCAD, [REDACTED] acknowledged that MANN had been drinking, and in a statement to Officer Haugen immediately following MANN'S arrest, [REDACTED] acknowledged that MANN was "angry and intoxicated" at the time of his arrest.

Furthermore, MANN'S mother arrived on scene shortly after his arrest. While speaking with Officer Butler, she acknowledged that MANN was "angry" prior to his arrest because [REDACTED] had been "playing games with him."

I find the officers' version of events to be the most credible, and I do not believe that MANN complied with the orders that were given by officers. Those orders were lawful, and in refusing to comply with them MANN provided the officers with a legal basis to arrest him. This allegation is therefore unfounded.

ALLEGATION #2 – EXCESSIVE FORCE

That the arresting officers used excessive force in accomplishing MANN'S arrest.

FINDING #2 – UNFOUNDED / EXONERATED / NOT SUSTAINED

In the written complaints submitted by MANN and STURKEY they contend that MANN was subjected to excessive force during the course of an unlawful arrest.

MANN specifically alleged that the officers approached him aggressively with their hands on their guns and then repeatedly punched him in the stomach while he was still standing, struck him in the back of the head, repeatedly punched him in the face while he was on the ground, sprayed him with Oleo Resin Capsicum (OC) spray, beat him while his arms were "chicken-winged," and kned him in the genitals repeatedly.

specifically alleged that the officers approached MANN with their guns drawn and then choked him, body-slammed him, pepper-sprayed him, and repeatedly punched him in the stomach.

According to Officers Henry and Rush, after MANN refused to remove his hand from his coat pocket he also attempted to enter the residence at [REDACTED]. As MANN attempted to enter the residence Officer Rush approached him from behind, wrapped his arms around his torso, and pinned him against the door frame. MANN responded by using both of his hands to push himself backwards, and he then attempted to spin away from Officer Rush. When MANN then attempted to reach back into his coat pocket, Officer Rush executed a "hip toss" and took MANN to the ground.

After MANN was taken to the ground Officers Henry and Rush began attempting to secure him in handcuffs. The officers contend that, during an ensuing struggle that lasted approximately four (4) minutes, MANN repeatedly resisted efforts to handcuff him by continually attempting to stand/escape, continually used his legs to push off the house in an attempt to stand, swung his arms/fists towards their heads, concealed his hands/wrists under his torso to prevent handcuffing, and twisted and turned while on the ground in an apparent attempt to escape.

Officer Rush reported that in attempting to overcome MANN'S resistance and secure him in handcuffs he delivered several knee strikes to MANN'S common peroneal nerve, drove his forearm into MANN'S face to pin to him to the ground and gain control of him, delivered a single knee strike to MANN'S stomach, and delivered two or three (2-3) "half strikes" to MANN'S right thigh with an ASP (baton).

Officer Henry reported that in attempting to overcome MANN'S resistance and secure him in handcuffs he deployed a short burst of ~~Henry~~ Oleo Resin Capsicum (OC) spray to MANN'S face and delivered several knee strikes to MANN'S common peroneal nerve.

Approximately eighty-two (82) seconds after the officers arrived on scene, Officer Rush used his portable radio to request that other responding officers expedite their response.

Officers Aikman, Schweska, and Butler arrived somewhere between two (2) and three (3) minutes into the officers' struggle with MANN, and it was not until they arrived and rendered assistance that MANN was successfully secured in handcuffs.

Officers Aikman and Schweska arrived on scene together, and when they arrived Officer Schweska moved to assist Officers Henry and Rush. Officer Aikman stood by with [REDACTED] to prevent her from interfering in the arrest.

Officer Schweska reported that in attempting to overcome MANN'S resistance and secure him in handcuffs he attempted to take control MANN'S arms and wrists and/or pry them out from underneath of MANN'S torso, assisted in tackling MANN back to the ground, and placed his right knee between MANN'S shoulder blades.

Officer Aikman did not move to assist Officers Henry, Rush, and Schweska until it became apparent to him that they were having difficulty controlling and handcuffing MANN. Officer Aikman's use of force during the arrest was minimal and limited to taking physical control of MANN'S left wrist to assist with handcuffing.

Officer Butler reported that in attempting to overcome MANN'S resistance and secure him in handcuffs he placed his knee on MANN'S bicep and pinned it to ground.

The witness in this case, [REDACTED], reported that he observed an unidentified officer pull or tackle MANN to the ground, an unidentified officer use the palm of his hand to force MANN'S head to the ground approximately three (3) times, and an unidentified officer strike MANN approximately three (3) times with a baton. [REDACTED] was unable to ascertain whether or not MANN was resisting the officers' efforts, but he did report that it was apparent to him that the officers were involved in a "significant struggle."

The force that the officers have reported using during the course of MANN'S arrest is all classified as intermediate, or "non-deadly." The following guidelines apply to the types of force that were used in this case:

ASP Baton/Baton: The baton is intended to be used against unarmed aggressive subjects or when lesser levels of control have failed or been determined to be inadequate.

Oleo Resin Capsicum Spray: OC spray is intended to be used primarily against unarmed subjects who officers reasonably believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person.

Tackling, knee strikes, and other physical controls are authorized when the officer reasonably believes that such force is warranted and justified.

It is my finding that force that the officers reported using during the arrest of MANN was reasonable and within policy.

There are, however, allegations that the officers used force beyond which they reported. The officers are specifically alleged to have used the following force that is not documented in their official police reports:

- They drew and pointed their weapons at MANN;

[REDACTED] alleged in her written complaint that the officers drew and pointed their weapons at MANN. [REDACTED] is the only one to have alleged that the officers did so. The officers refuted this allegation in their written reports, and [REDACTED] allegation is not supported by MANN'S own written account of the incident. I do not find the allegation to be credible, and this allegation is therefore unfounded.

- They "body-slammed" MANN.

██████████ alleged in her written complaint that MANN was body-slammed to the ground at the onset of his contact with officers. MANN made no such allegation in his written complaint. Officer Rush documented in his official police report that he executed a "hip toss" on MANN after MANN pushed off of the house and attempted to spin back towards him. The hip toss that Officer Rush executed would possibly have resulted in MANN'S feet leaving the ground, albeit briefly, before he was taken to the ground. It may have appeared to ██████████ that MANN was body-slammed, but I believe that she may actually have witnessed the hip toss that Officer Rush executed. That hip toss was within policy and Officer Rush is therefore exonerated from this allegation

- They struck MANN in the back of the head;

The officers refute MANN'S allegation and there is neither any independent evidence (physical, medical, or otherwise) nor any witness statement to support this allegation. This allegation is therefore not sustained.

- They allegedly repeatedly punched MANN in the face and stomach; and

MANN sustained a cut lip and several abrasions to his left cheek and forehead during his arrest. Those injuries are depicted in photographs that were taken while MANN was being treated at Carle Hospital. The photographs were taken approximately fifty-two (52) minutes after his arrest, and it is noteworthy that none of MANN'S injuries are accompanied by swelling. It is also noteworthy that the photographs of Officer Rush's hands show only a very small abrasion above the ring finger on his left hand; there is certainly no redness and no swelling to any of his knuckles. I believe that MANN'S cut lip and facial abrasions were most likely caused when MANN'S face came into contact with the floor of the concrete porch at ██████████.

MANN alleged in his written complaint that he was repeatedly punched in the stomach before he was taken to the ground by officers. MANN, ██████████, Officer Henry, and Officer Rush all agree and reported that MANN was facing away from the officers when he was taken to the ground by Officer Rush and the fact that MANN was facing away from the officers would have prevented them from even being able to punch MANN in the stomach. Through their official reports the officers refute this claim, and there is no independent evidence to support this claim.

██████████ alleged in her written complaint that the officers repeatedly punched MANN in the stomach while he was on the ground. ██████████ specifically alleged that after MANN was taken to the ground an officer held his hands behind his back. A second officer allegedly placed his knee on MANN'S shoulder to pin him to the ground. A third officer then allegedly repeatedly punched MANN in the stomach.

In order for an officer to pin MANN to the ground by placing a knee on his shoulder, MANN would more than likely had to have been lying on his stomach. If MANN were on his stomach, that seemingly would have prevented another officer from being able to punch MANN in the stomach.

I do not find ██████████ allegation to be credible, and the officers, through their written reports, also refute this allegation. This allegation is therefore not sustained.

- They allegedly repeatedly kned MANN in the genitals.

This allegation was made by MANN. It is not supported by witness statements or other independent evidence. The officers, through their written reports, also refute this allegation.

Officer Rush, however, did report that he delivered a single knee strike to MANN'S stomach during the course of MANN'S arrest. That knee strike was delivered after MANN made it to his feet and occurred while he was actively resisting the officers.

It is possible that MANN was inadvertently struck in the groin and/or genitals by the knee strike that Officer Rush delivered, but that knee strike was within policy and there is no evidence to support a finding that MANN was intentionally and/or repeatedly kned in the groin.

This allegation therefore cannot be sustained.

With regard to the injury to MANN'S left wrist, there is no question that the fit of MANN'S handcuffs should have been checked and adjusted much sooner than they were following his arrest. MANN was handcuffed and taken into custody at approximately 0223 hours, yet his handcuffs were not checked for fit until sometime after he arrived at Carle Hospital at 0248 hours.

Champaign Police Department policy 70.2, titled "Restraining Devices," reads in part:

Whenever reasonable, once a prisoner has been subdued and handcuffed the handcuffs shall be checked to ensure that they are not too tight around the wrists and are double-locked.

Based upon my review of the video recordings in this case, it appears that Officers Butler and Voges escorted MANN to a nearby squad car immediately following his arrest. It also appears that both officers searched MANN prior to placing him in the squad car. Both officers had an opportunity at that time to check the fit of MANN'S handcuffs and ensure that the handcuffs were double-locked.

It should be noted that during MANN'S transport – both to Carle Hospital and to the Champaign County Satellite Jail – MANN sat sideways in the back seat of Officer Epling's squad car. It appears as though MANN'S left arm was situated between his torso and the seatback when he sat in that manner, and it is possible that the manner in which MANN sat may have contributed to his injury.

I would also note that I watched both transport videos in their entirety. At no time during transport did MANN voice any complaint about the tightness of the handcuffs or state that he was experiencing any pain to one or both wrists.

MANN'S first complaint about the tightness of the handcuffs was in fact made to Officer Epling while MANN was at Carle Hospital receiving treatment. Due to the circumstances surrounding MANN'S arrest, Officer Epling did not feel comfortable taking the handcuffs off of MANN by himself so he waited for Sgt. Yandell to arrive. When Sgt. Yandell arrived MANN'S handcuffs were taken off and MANN was allowed to stretch for a short period of time. Sgt. Yandell and Officer Epling then re-secured MANN using two (2) pairs of handcuffs which were chained together.

ATTACHMENTS

Employee Conduct Feedback Form / Benjamin Mann

Employee Conduct Feedback Form / [REDACTED]

Dispatch ticket #140750056

Dispatch ticket #140750060

Report #C14-2208

CPD Photographs of Injuries / Benjamin Mann

CPD Photographs of Injuries / Officer Matt Rush

Photographs of Injuries / Benjamin Mann

ARMS records with Resisting Arrest History for Benjamin Mann

Memo / Sgt. Yandell

3/31/2014

City of Champaign, IL Mail - CPD Employee Conduct Feedback



Swenson, Jon <jon.swenson@ci.champaign.il.us>

CPD Employee Conduct Feedback

1 message

b.mann73@yahoo.com <b.mann73@yahoo.com>

Thu, Mar 20, 2014 at 2:33 AM

To: jon.swenson@ci.champaign.il.us

CPD Employee Conduct Feedback

Employee conduct feedback was received on the City website, containing the following information.

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Personal Information

First Name: Benjamin

Last Name: Mann

Email: [REDACTED]

=====

Demographic Information

Race: American/Black

Date of Birth: [REDACTED]

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Additional Contact Information

Address: 1000 [REDACTED] Dr.

City: Champaign

State: IL

Zip: 61820

Home Phone: [REDACTED]

Cel Phone: [REDACTED]

Work Phone: [REDACTED]

Other:

My attorney

=====

Incident Information

Incident Date: March 13, 2014

Incident Time: approximately 2:00 pm.

Incident Location: [REDACTED] Champaign, IL.

Incident Location Name: [REDACTED]

Incident Description:

On March 13th at approximately 1:58 pm. officer's representing the Champaign County Police Department were called to [REDACTED] to Facilitate in the exchange of my key's to me from my girlfriend [REDACTED]. I was standing on the front porch at the time directly underneath the porch light which was on. Within a few minutes I noticed two squad cars moving slowly toward the house with dimmed front lights and the spotlight on. I moved to the front of the porch in the yard and waved them in then stepped back on the porch under the light so they would know that this is the house. After I waved I noticed that the spotlight were directed at me. When the

officers left their vehicles they were moving toward me in an aggressive hurried manner with their hands on their guns seeming anxious. When they were within five feet one yelled "get your hands out your pockets" I threw both my hand's up in question and asked "what's going on" They didn't answer but yelled in unison get your hands behind you back now.I asked while turning"am I being detained". Then I asked quickly am I under arrest."No response. I don't know if the questions angered them but right after that officer 'Matt Rush' had a hold of my right wrist which was behind my back in his left hand and was punching me repeatedly in the stomach. I was hunched over from the pain and felt a hand on my neck then a blow to the back of the head which brought me completely down on my stomach sprawled on the concrete porch.I remember yelling "why are you doing this". I didn't do anything. "Why are you hurting me." Officer 'Marshall Henry's knee was on the back of my head and neck,that's when I saw officer 'Matt Rush' started repeatedly punching me in the face."I yelled why are you doing this" I looked to the side to see the can of pepper spray directly in front of my face,and that's when officer 'Matt Rush" sprayed me directly in my eyes for what seemed like five or six seconds. I was instantly barely able to pull oxygen because my lips were swollen, I had a mouth full of blood and the pepper spray was preventing me from breathing.I feel like they were trying to suffocate me to death.I can't describe the pain and fear I was in. After I was pepper sprayed I couldn't see a thing but I felt everything, My arms were chicken winged behind me and they continued to beat and yell at me to stop resisting. All I could do at this point was holler in pain and beg them to stop but they didn't. They continued to punch me kick me and twist my body into more painful positions for better blows to my body and face.I remember being flipped over and a knee being rammed into my genitals over and over and over again. It felt like it would never stop. At some point I could here Ashanti voice yelling "stop, this isn't what I called you for ,your beating him." I heard them yell at her to get back in house and shut the door.I don't know when they stopped I blacked out.I remember being dragged and hurting everywhere. I remember hanging out of a squad car trying to breath and being cursed and yelled at. I Just heard voices at this point I was blind. I had a mouth full of blood and breathing was all but impossible. I felt some rough treatment to my face.I remember leaning over towards my feet to let the blood pour out my mouth so I could breath, then being cursed and kneed into the squad. I think I may Have gotten blood all over my shoe because it disappeared and later I only had one.I remember being told I was in a hospital. I was aware because I think I was moaning from the pain and I was told to shut up and not make a scene because people are here.I remember saying this is wrong . Someone should have made a citizen's arrest. I remember someone saying to put that in the report that I mentioned a gun. So I stated I didn't say I had a gun I said you guy's should be arrested. Then I told them who were listening as I was still blind,I'm pressing charges.I kept asking where are the guy's who beat me I have something to say to you. You're not going to get away with this. I was told they were not there.Then I heard someone say they're gone getting exams too. That's when I knew a cover up was transpiring right in front of me. I felt very afraid and alone at that moment. I asked them to take picture of everything but I felt a lamb in a den of wolves no real help. I just sat. No one examined me. They just looked. I told them my private area was in immense pain from being kneed repeatedly down there. I felt violated when they just yanked my pants down,left me sitting there with people all around. Someone finally came looked at my penis and said "your fine." I was not examined. They harshly wiped my face took a picture or two put me in a wheelchair and carted me out. I could barely stand from the lower abdominal pain and I still couldn't see. When we arrived at the jail i sat for awhile before someone helped me from the car. When he brought me in I asked him how they could do this to people, "I have done nothing to deserve this. This isn't right." He said to me He (Rush) has done this before and no one has filed a complaint." At that time I asked what I was being charged with and told Aggravated Assault to an officer.At that point I was beaten in every way possible. Full violation of my rights complete. The cuffs were so tight on my wrists that the meat of my wrists had swollen around the metal on the cuffs. Illegal behavior/Police misconduct.Police Brutality and excessive force- for the beating of my whole body with fists,elbows,kicks,punches,club strikes,slam to concrete,chokes,strikes to my privates,pepper spray and all other acts of violence towards me when no crime had been committed, the commission of or suspicion of based on call for peaceful public service.They were called to the scene to mediate continuation of peaceful evening and instead caused violence pain and and loss of sense of security that "peace" officers are there to help. Failure to Intervene by other officers/ Violation of due process law- police officers are sworn to protect citizen from harm and to preserve their civil rights and when the other officers participated in the brutal beating of my person or stood by as it happened instead of intervening and stopping it they did not uphold the very duty they were sworn to which is to protect and serve.False Arrest-when the officers abused their power to detain, arrest and then beat my body without probable cause out of malice or to support their false allegation.I had committed no crime therefore why were they beating me and torturing for a charge that was later created as a result of their initial action towards me. I was repeated kneed all in my midsection and then blamed for an officers knee hurting and charged me with assault to an officer.

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Employee Information

Employee 1 Badge:

Employee 1 Name: Matt Rush

Employee 2 Badge:

Employee 2 Name: Marshall Henry

Additional Employee Information:

I was told by by LT. (Swenson), as I was blind at the time from pepper spray,that officers Christopher Aikman and Cully Schweska were also on scene at some point.

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Witness Information

Dr. champaign,IL 61821
champaign,IL. 61820
Champaign,IL. 61821

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Documentation Description

Eye Witness Testimony and audio/video verification.

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Verification of complaint

I hereby certify that the information in this complaint is true and correct, to the best of my knowledge and belief



Swenson, Jon <jon.swenson@ci.champaign.il.us>

CPD Employee Conduct Feedback

1 message

ashanti_sturkey@yahoo.com <ashanti_sturkey@yahoo.com>
To: jon.swenson@ci.champaign.il.us

Tue, Mar 18, 2014 at 12:45 PM

CPD Employee Conduct Feedback

Employee conduct feedback was received on the City website, containing the following information.

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Personal Information

First Name: [REDACTED]

Last Name: [REDACTED]

Email: [REDACTED]

=====

Demographic Information

Race: African American

Date of Birth: [REDACTED]

=====

Additional Contact Information

Address: [REDACTED]

City: Champaign

State: IL

Zip: 61821

Home Phone: [REDACTED]

Cel Phone: [REDACTED]

Work Phone:

Other:

=====

Incident Information

Incident Date: 03/16/2014

Incident Time: 2:00a

Incident Location: [REDACTED], Champaign

Incident Location Name: My home

Incident Description:

I am writing in regards to the horrible incident that occurred with the police at my address at [REDACTED] Drive in Champaign. I have had a hard time putting this letter together as I find it hard to put into words the horror and the disgust I now have for the Champaign Police Department.
Here is my recollection of the events that occurred.

After a night out at a night club with my boyfriend, Benjamin Mann, my sister and her boyfriend, Ben and I had a

disagreement and broke up. We parted ways and I headed home. Ben had walked home, which at the time I had not known that he had walked home, and he knocked on the doors and windows wanting his keys because he did not have the keys on him. Due to the exchanges we had through texts regarding our break-up, I thought it best to call the police to call mediate the exchange of the keys and anything else he needed. My phone to 911 simply said that we had just broken up and that I'd like a police officer here to exchange keys and whatever else he needed. In that call I was not frantic, I did not say that I was hurt or in danger, I simply wanted a mediator.

I let Benjamin know they were on the way. When they arrived, he let me know they had arrived through the door. I looked through the peephole, saw the lights of the car and when I opened the door I saw the police swiftly walking to the door with guns drawn yelling for him to take his hands out of his pockets. Now mind you, he had just got done walking from Urbana to Champaign, he was cold. He took his hands out of his pockets and in a matter of seconds a police officer had him in a choke hold and body slammed him. When he did this it was directly in front of me I had to step back inside for a second and when I stepped back out I could feel the pepper spray in the air. Benjamin was on the ground yelling that he could not breath. He could not move as one officers had is hands held behind his back, the other had his knee on his shoulder while the third officer punched him repeatedly in his stomach. I was screaming at the officers to stop and that he had not done anything wrong. I repeated and repeated this. I asked the officers why are you punching this man, why are you beating him?! This seemed to continue forever, and I saw blood coming out of Benjamin's mouth. As I was asking the officers why the officer that had his knee on him yelled at me to go in the house. I stepped inside and looked for my phone to film it (luckily a neighbor had already been doing this). But as I walked back to the door, Benjamin was getting lifted up and carried away.

A woman officer came to me, I believe her name was officer Haugen, and before she really go a chance to talk, I expressed to her my disgust with the situation that happened. I told her that I called the police to mediate and bring a peaceful solution to this night and the opposite occurred. I expressed to her my regret in calling them due the result and asked her why the police responded to the call the way they did. I was not hurt nor in pain nor in danger, I clearly just wanted a peaceful end. Why were the guns initially drawn, why not say "Hi, what going on tonight?" Why the need for the pepper spray? Why the excessive force? Just Why.. She said the officers said he was resisting and that was a lie. The officers were aggressive from the moment I opened the door and saw them walking up.

At this point I'm very upset and visibly untrusting of the officers. I asked to see Benjamin myself, as I was honestly concerned from him being in their custody due to what I had just witnessed. She refused. Why? I then saw his mother and wanted her to be aware of what had just happened, she refused to let me go talk to her too.. Why? If I would have went over there anyways, would I have been arrested? Beaten?

I hope you can feel my anger and disappointment through this letter. Up until this point I had began to regain confidence in the Champaign Police Department. As a property manager at Value Place in Champaign and Town Center Apartments, I began to build a relationship with them to help me clear out crime at my properties. I even received a letter from an officer, thanking me for my help in a missing person's case. I had built enough trust in them to come out and help bring the peace. And now I find myself afraid when I see a police car driving by me. As a black woman, there is a stigma about calling the police. You're just not supposed to do it. So when I called even for something as small as exchanging keys peacefully, you can't imagine the regret, horror, betrayal and outrage I feel at this time.

Please consider this as my formal complaint in this matter. I demand that you respond to this letter and deal with the problem officers and issues your police department have. I demand that you drop charges of resisting arrest on Benjamin Mann because it is wrong and is a way to cover up what was done wrong. That is the LEAST you can do.

[REDACTED]

=====
Employee Information

Employee 1 Badge:
Employee 1 Name:

Employee 2 Badge:

Employee 2 Name:

Additional Employee Information:

=====

Witness Information

██████████ Neighbor recorded the event.

=====

Documentation Description

The call to 911 speaks for itself. I was in no danger, I just wanted the police to mediate. How they approached and reacted was unexplainable and beyond unreasonable.

=====

Verification of complaint

I hereby certify that the information in this complaint is true and correct, to the best of my knowledge and belief

Detailed History for Police Event #140750056 As of 3/19/2014 08:40:25

Output for: 7927

Priority:2 Type:REMOVE - REMOVE SUBJ

Location: [REDACTED] DR, CH btwn W BRADLEY AV and SUMMERLIN LN

Created:	03/16/2014 02:11:44	DIS8	6603
Entered:	03/16/2014 02:12:34	DIS8	6603
Dispatch:	03/16/2014 02:13:16	DIS6	6615
Enroute:	03/16/2014 02:13:16	DIS6	6615
Onscene:	03/16/2014 02:17:37	DIS6	6615
Control:	03/16/2014 02:26:42	DIS6	6615
Transprt:	03/16/2014 02:44:24	DIS6	6615
Complete:	03/16/2014 02:52:43	DIS5	6612
Closed:	03/16/2014 04:33:26	DIS8	6615

ICUnit: PrimeUnit:765 Dispo:RPT Type:REMOVE - REMOVE SUBJ

Agency:CH DAREA:CHW(CHNW) Beat:CHNW

Block:51509C

Case #:CH1402208  Detail

02:11:44 CREATE	Location: [REDACTED] DR, CH Type:REMOVE Phone:217/766-7719 DAREA:CHNW RD/FD:51509C TypeDesc:REMOVE SUBJ LocDesc:btwn W BRADLEY AV and SUMMERLIN LN Priority:2 Response:1PAT Agency:CH LocType:S
02:12:34 ENTRY	DAREA:CHNW-->CHW Response:1PAT-->2PD Comment:BOYFRIEND BENJAMIN MANN KNOCKING ON THE RPS DOOR...THEY BROKE UP AFTER AN ARGUMENT ABOUT AN HOUR AGO AND NOW HES HERE
02:12:34 -NPREMS	Comment:(none)
02:12:39 SELECT	
02:13:00 HOLD	
02:13:12 HOLD	Comment:920ADV
02:13:16 DISPER	7111 Badge:7111 OperNames:HENRY,MARSHALL
02:13:16 -PRIU	7111
02:13:19 BACKER	7114 UnitID:7111 Location:1308 GARDEN HILLS DR, CH Badge:7114 OperNames:RUSH,MATT R
02:14:16 CHANGE	Name:None--> [REDACTED] Comment:BLK MALE 32 YO LSW/ILLINI SHIRT RP BELIEVES HE WAS DROPPED OF HERE....HAS POSSIBLY BEEN DRINKING...SHE HAS PROPERTY HE MAY WANT BUT WANTS OFC PRESENT TO PREVENT ANY PROBLEMS
02:14:17 NOMORE	
02:14:43 RI	7111 7114

02:17:37	ONSCN	7111 Comment:1060
02:18:18	BACKER	7103 UnitID:7111 Location: [REDACTED] R, CH Badge:7103 OperNames: BUTLER, DAVID M.
02:18:50	MISC	7111 Comment: BEING FLAGGED DOWN IN FRONT OF HERE
02:19:34	ONSCN	7114
02:20:56	MISC	7114 Comment: REQ OTHER UNITS TO STEP IT UP
02:21:02	BACKER	7101 UnitID:7111 Location: [REDACTED] CH Badge:7101 7712 OperNames: SCHWESKA, CULLY; AIKMAN, CHRIS
02:21:55	BACKER	765 UnitID:7114 Location: [REDACTED] CH Badge:7765 OperNames: EPLING, NATE
02:22:52	MISC	7111 Comment: STANDBY ON STATUS, VERY LOUD IN BACKGROUND
02:23:13	MISC	7114 Comment: 95X1*****
02:23:40	-XREF	Service: F Event: #140750060 Type: MED Agency: CF Comment: UNK MED PROBLEM. C/A/B 32B1*****
02:23:46	BACKER	941 UnitID:7114 Location: [REDACTED] R, CH Badge:7941 OperNames: YANDELL, JACSON S
02:23:47	ONSCN	941
02:23:56	MISC	7111 Comment: OTHER UNITS CAN SLOW
02:26:42	OK	7111 941 7114
02:27:15	BACKOS	739 UnitID:941 Location: [REDACTED] R, CH Badge:7739 OperNames: HAUGEN, KRISTINA D
02:27:17	OK	739
02:39:11	CASE	Case#: CH1402208
02:40:15	CHGLOC	7114 Location: CARLE ER, UR
02:40:18	PRIU	7114
02:44:21	ONSCN	765
02:44:24	TRANSP	765 Location: CARLE ER, UR
02:48:14	CHGLOC	7103 Location: CARLE ER, UR
02:48:18	CLEAR	7111
02:49:13	CLEAR	7101
02:50:27	OK	7114
02:51:29	*CLEAR	941
02:52:43	CMPLT	765
02:56:04	OK	765
02:57:09	OK	7103
03:03:00	BACKOS	941 UnitID:765 Location: CARLE ER, UR Badge:7941 OperNames: YANDELL, JACSON S
03:03:02	OK	941
03:03:38	PRMPT	739 Comment: Preempted and dispatched to call #140750061
03:16:20	CLOS	7114 Location: CARLE ER, OFF THE AIR
03:16:22	OK	7114
03:23:52	CLEAR	941
04:03:20	TRANSP	765 Location: SAT JAIL
04:03:39	CLEAR	7103
04:03:46	PRIU	765
04:03:54	PRMPT	7114 Comment: Preempted and dispatched to call type: MISC
04:22:11	CMPLT	765 Comment: 23 ABOUT 10 AGO
04:22:13	OK	765

04:33:26 CLEAR	765 Dispo:RPT
04:33:26 -PRIU	765
04:33:26 -CLEAR	
04:33:26 CLOSE	

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont?	Weapons	AgcyUse	EMD

Detailed History for Fire Event #140750060 As of 3/19/2014 08:42:15

Output for: 7927

Priority:1 Type:MED - MEDICAL

Location: [REDACTED] R, CH btwn W BRADLEY AV and SUMMERLIN LN

Created:	03/16/2014 02:23:40	DIS6	6615
Entered:	03/16/2014 02:23:40	DIS6	6615
Dispatch:	03/16/2014 02:23:45	DIS1	6627
Enroute:	03/16/2014 02:26:13	MCFE	E15
Onscene:	03/16/2014 02:28:31	MCFE	E15
Closed:	03/16/2014 02:45:12	MCFE	E15

ICUnit: PrimeUnit:E155 Dispo: Type:MED - MEDICAL
 Agency:CF DAREA:CF Station:05 Zone:50100
 Case #:CF141653 ■ Detail

02:23:40 -CREATE	Location: [REDACTED], CH Type:REMOVE Phone:217/766-7719 DAREA:CHNW RD/FD:51509C TypeDesc:REMOVE SUBJ LocDesc:btwn W BRADLEY AV and SUMMERLIN LN Priority:2 Response:1PAT Agency:CH LocType:S
02:23:40 -ENTRY	DAREA:CHNW-->CHW Response:1PAT-->2PD Comment:BOYFRIEND BENJAMIN MANN KNOCKING ON THE RPS DOOR...THEY BROKE UP AFTER AN ARGUMENT ABOUT AN HOUR AGO AND NOW HES HERE
02:23:40 -CHANGE	Name:None-->[REDACTED] Comment:BLK MALE 32 YO LSW/ILLINI SHIRT RP BELIEVES HE WAS DROPPED OF HERE....HAS POSSIBLY BEEN DRINKING...SHE HAS PROPERTY HE MAY WANT BUT WANTS OFC PRESENT TO PREVENT ANY PROBLEMS
02:23:40 -MISC	7111 Comment:BEING FLAGGED DOWN IN FRONT OF HERE
02:23:40 -MISC	7114 Comment:REQ OTHER UNITS TO STEP IT UP
02:23:40 -MISC	7111 Comment:STANDBY ON STATUS, VERY LOUD IN BACKGROUND
02:23:40 -MISC	7114 Comment:95X1*****
02:23:40 CLONE	Type:REMOVE-->MED DAREA:CHW-->CF RD/FD:51509C-->50100 TypeDesc:REMOVE SUBJ-->MEDICAL Priority:2-->1 Response:2PD-->MEDC Agency:CH-->CF Comment:UNK MED PROBLEM. C/A/B 32B1*****
02:23:40 -XREF	Service:P Event:#140750056 Type:REMOVE Agency:CH
02:23:40 -PREMIS	Comment:PPR
02:23:42 SELECT	
02:23:45 DISP	E155 Badge:E15 OperNames:ENGINE 155
02:23:45 DISP	M4
02:23:45 -PRIU	E155
02:24:21 MISC	Comment:MALE INTOX C/A/B W/ LACERATIONS
02:24:39 CASE	E155 Case#:CF141653

02:26:13 *ENRTE	E155
02:26:53 MISC	Comment:MED CAN ENTER UPON ARRIVAL
02:27:20 ENRTE	M4
02:28:31 *ONSCN	E155
02:32:05 ONSCN	M4
02:32:07 AIQ	M4
02:32:07 CLEAR	M4
02:45:12 *CLEAR	E155
02:45:12 -CLEAR	
02:45:12 *CLOSE	

CONTACT INFO:

Name	Phone	RPaddr	RP_Cont?	Weapons	AgcyUse	EMD



CHAMPAIGN POLICE DEPARTMENT



Page 1 of 4

INCIDENT DETAIL

Officer Number 7739	METCAD Event # 140750056	Shift 3	Case Number CC1402208
Occurred 03/16/2014	02:00	DOW Sunday	
Reported 03/16/2014	02:11	DOW Sunday	Time Dispatched 02:13 Time Arrived 02:17
Incident Addr. [REDACTED]	Loc Type 289. RESIDENCE-PORCH	GEO 51509	

OFFENSE

Offense Crime Code/Description	CSA	Act	# Pr.	Force	Circ.	Weapon	Bias
3710 RESIST/OBSTRUCT/DISARM AN OFFICER			000	NO		99	88
4870 DOMESTIC DISPUTE			000	NO		99	88
0410 BATTERY-AGGRAVATED			000	NO		40	88
9996 USE OF FORCE BY OFFICER			000	NO		99	88

SYNOPSIS

Officers responded to a remove subject and upon arrival the offender refused to comply with officers and then fought with officers.

VICTIM

Name HENRY, MARSHALL L		Address [REDACTED]		Telephone [REDACTED]					
Emp Code Y	Employer/School Name CPD	Emp. Address 82 UNIVERSITY AVENUE E CHAMPAIGN, IL 61820		Emp. Tel. (217)351-4545					
DOB [REDACTED]	Age (when occurred) 35	Race W	Sex M	Ht. 601	Wt. 195	Hair BRO	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
Injury Code N	Victim Code I	Hospitalized NO	Treated by						
Name RUSH, MATT ROBERT		Address 82 UNIVERSITY AVENUE E CHAMPAIGN, IL 61820		Telephone [REDACTED]					
Emp Code Y	Employer/School Name CPD	Emp. Address 82 UNIVERSITY AVENUE E CHAMPAIGN, IL 61820		Emp. Tel. (217)352-4545					
DOB [REDACTED]	Age (when occurred) 28	Race W	Sex M	Ht. 603	Wt. 195	Hair RED	Eye BRO	SSN 000-00-0000	DL#
Injury Code N	Victim Code I	Hospitalized NO	Treated by						

REPORTING

Name [REDACTED]		Address [REDACTED]		Telephone [REDACTED]	
Emp Code Y	Employer/School Name [REDACTED]	Emp. Address CHAMPAIGN, IL		Emp. Tel. Unknown	

Reporting Officer: HAUGEN, KRISTINA

Officer's initials

LL

approved

MDA937

REPORTING CONTD.

REPORTING CONTD.

JB [REDACTED]	Age (when occurred) 30	Race B	Sex F	Ht. 502	Wt. 150	Hair BLK	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
Victim Code N	Hospitalized NO	Treated by							

ARRESTEE/OFFENDER

Arrestee Name MANN, BENJAMIN TYRONE(arrestee)	Address CHAMPAIGN, IL 61820	Telephone [REDACTED]
Employer/School Name	Emp. Address CHAMPAIGN, IL	Emp. Tel. Unknown

JB [REDACTED]	Age (when occurred) 32	Race B	Sex M	Ht. 509	Wt. 175	Hair BLK	Eye BRO	SSN 000-00-0000	DL# [REDACTED]
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Victim Code N	Hospitalized NO	Treated by							
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Show Up: Date/Time 00/00/0000	Show Up Location	Conducting Officer	Arrest Date/Time 03/18/2014 02:23
----------------------------------	------------------	--------------------	--------------------------------------

Arresting Officer HENRY #7111	Arrest Location CHAMPAIGN	Transporting Officer EPLING #765	Dispo/Type CCSO T
----------------------------------	------------------------------	-------------------------------------	----------------------

Arresting Officer HENRY #7111	Miranda Officer	Miranda Date/Time 00/00/0000	Arrest Numbers
----------------------------------	-----------------	---------------------------------	----------------

RELATION MATRIX

Offense	Victim	Relation Code	Offender
3710	SOCIETY	ST	MANN, BENJAMIN TYRONE
4870	STURKEY, ASHANTI DIONNE	DR	MANN, BENJAMIN TYRONE
0410	RUSH, MATT ROBERT	ST	MANN, BENJAMIN TYRONE
9996	SOCIETY	ST	MANN, BENJAMIN TYRONE
3710	HENRY, MARSHALL L	ST	MANN, BENJAMIN TYRONE
0410	HENRY, MARSHALL L	ST	MANN, BENJAMIN TYRONE

PROPERTY

Tag# 0658	Desc. Squad Car Video 31,28,35,49,46,34,45,34	Recommended Action RETAIN UNTIL NO EVID. VALUE
Quantity 1.000	Serial # Evidence? YES	Loc SQUAD CAR 31, 28,35,49,46,34,45
Measure Value 1.00	Property Code 900	Disposition EVIDENCE

NARRATIVE

On March 16, 2014 at 0213 hours officers responded to [REDACTED] for the report of a remove subject. The female r/p [REDACTED] stated her boyfriend Benjamin was there and they needed to exchange property with the police present.

Officers Henry #7111 and Rush #7114 were on scene and radioed for help shortly after arriving. Officers were fighting with

Transporting Officer: HAUGEN, KRISTINA

officer's initials [signature] approved [signature]

NARRATIVE CONTD.

ARRATIVE CONTD.

Benjamin who was resisting. See reports from responding officers.

Upon my arrival officers already had Benjamin in custody. I responded to 1308 to speak with [REDACTED]. [REDACTED] stated that she had recently broken up with Benjamin earlier in the day. [REDACTED] said that both of them had been drinking that day. [REDACTED] said that Benjamin arrived at the residence and wanted to get the keys to his vehicle. [REDACTED] said she told Benjamin she was not going to open the door to exchange property until police arrived.

[REDACTED] said she contacted the police because she was trying to avoid an argument with Benjamin. [REDACTED] said she knew Benjamin was angry and she knew he was intoxicated.

[REDACTED] said that when police arrived she opened her front door to see Benjamin on the floor of the front porch and the police were on top of him fighting with him and then he got sprayed.

[REDACTED] said she heard the police tell Benjamin something prior to the fight but she could not hear what was said because she was inside. [REDACTED] said she did not understand why police were fighting with Benjamin because it looked like he was not doing anything wrong.

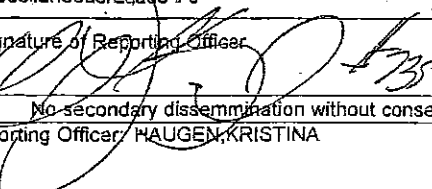
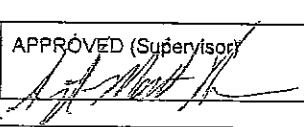
[REDACTED] said that recently Benjamin has been reading a lot about the law and the rights of the police. [REDACTED] said that Benjamin knows his rights and was probably defending his rights. About this time an unknown black male arrived at the residence to check on Ashanti. [REDACTED] told me it was one of her cousins. The unknown male asked me if Benjamin had been drinking and I said "Yes." The unknown male said that is probably why he is in trouble. The unknown male said that when Benjamin drinks he gets. "This way."

[REDACTED] said that no physical contact took place between her and Benjamin. [REDACTED] again stated she was just trying to avoid a confrontation with Benjamin.

NARRATIVE CONTD.

I entered squad car videos 31, 28, 35, 49, 46, 34, 45, and 34 into evidence

I have nothing further at the time of this report.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer		date	APPROVED (Supervisor)
		03-16-14	 937
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: HAUGEN, KRISTINA		officer's initials	approved
		CH	03-16-14



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT

Page 1 of 4



SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7114	Date Entered 03/16/2014	Date/Time of Orig. Rpt. 03/16/2014 02:11
Incident Address 1308 GARDEN HILLS DR CHAMPAIGN			Title of Report: Agg Battery P/O Agg Resisting

NARRATIVE

This is a supplemental report to Officer Haugen's original case file C14-2208.

On 03/16/2014, at approximately 0213 hrs, I was wearing a Champaign Police Department Class "B" uniform and operating a fully marked squad car (34). Officer Henry and myself were dispatched to [REDACTED], Champaign Illinois in regards to a remove subject call. The reporting party, identified as [REDACTED], advised her ex boyfriend was at the front door knocking on the door. [REDACTED] advised she had broken up with him approximately 1 hour before the time of call and that he was possibly intoxicated.

At approximately 0218 hrs, Officer Henry advised he was arriving on scene, I arrived on scene at approximately 0219 hrs. I observed Officer Henry walking towards the residence while speaking to a black male identified as Benjamin. I observed Benjamin had a cell phone in his left hand holding it to his left ear. In addition, Benjamin had his right hand in his right pocket. It appeared as though his arm was locked and rigid as though he was holding something inside his pocket. It should be noted that I made this observation from approximately 10 feet away.

Due to the volatile situation, Benjamin possibly being intoxicated and just breaking up with Ashanti, Officer Henry commanded Benjamin to remove his hand from his pocket. Benjamin responded with "FUCK YOU!" and continued holding his arm inside his pocket. Officer Henry continued giving Benjamin verbal commands to remove his hand from his pocket or he would be sprayed with OC Spray.

Reporting Officer: RUSH, MATT R

Officer's initials RL approved 4124377

NARRATIVE CONTD.

NARRATIVE CONTD.

Benjamin refused to obey with Officer Henry's lawful commands and turned towards the residence. It should be noted, that the inner door of the residence was the only thing separating Benjamin from entering the residence was a screen door. Benjamin, who had already been refused entry, opened the screen door and attempted to enter the residence.

Benjamin had his back towards me and took one step inside the residence. At this time, I approached Benjamin and attempted to gain physical control of him. I wrapped my arms around his torso and pinned him against the door frame. Benjamin used two hands and pushed himself back while attempting to spin away from me. Benjamin drove his right arm towards his right coat pocket. At this time, I utilized a "hip toss" and threw Benjamin onto the ground. It should be noted that the physical confrontation began at approximately 0219 hrs.

Benjamin landed on his upper shoulders and neck area while I landed on top of him. I ordered him to stop resisting on several occasions, to which he refused to comply. I grabbed Benjamin by his left arm and attempted to spin him onto his stomach. Benjamin began pushing himself off the ground and swinging his arms towards Officer Henry and my heads. I jumped onto the top of Benjamin's body on his left side while Officer Henry attempted to control his right side. At approximately 0220 hrs, I requested Officers respond to the scene in an expedited manner.

Officer Henry was able to deploy OC Spray which only seemed to further infuriate Benjamin. I delivered several knee strikes to Benjamin's left common peroneal which had no effect on his aggressive and combative behavior. After the OC Spray was deployed, I was stunned for a few seconds as I inhaled a large amount of the spray.

Fearing that Officer Henry would be required to fight with Benjamin alone, I drove my left forearm into the side of Benjamin's face while pressing down in an attempt to pin him on

NARRATIVE CONTD.

the ground. This was also unsuccessful in controlling Benjamin, nor did it stop him from pushing himself off the ground.

Benjamin was able to use his legs, by pushing off the house, to stand up to his feet. I continued ordering him to stop resisting, however, Benjamin remained combative.

Officer Henry had control of his right arm, however Benjamin was still freely swinging his left arm. At this time, I grabbed Benjamin by his shoulders and pulled him towards the ground while delivering another knee strike, this time to his stomach. This force was momentarily effective as he double over and fell to the ground. Officer Henry and myself again positioned ourselves onto his back and attempted to secure him into hand cuffs.

I was able to secure his left wrist into a handcuff, however, control could not be regained of his right arm. Benjamin's entire body was tense and rigid and he possessed incredible strength. Officer Henry and myself were unable to secure him into hand cuffs until other Officers arrived on scene. Even with four Officers on top of Benjamin, we were still unable to maintain control of him.

At this time, I was positioned lying across his legs. I extended my collapsible ASP and struck him approximately 2 or 3 times on the outside of his right quad. I did not fully swing my ASP in fear of striking Officers, the strikes were "half strikes". I believe this force was effective as shortly thereafter, he was secured into handcuffs. At this time, I rolled off of Benjamin and attempted to regain my breathing. It should be noted, that the physical confrontation lasted from approximately 0219 hrs until 0223 hrs. In addition, for approximately 3 minutes, Officer Henry and myself were alone with Benjamin.

As I stood up, I noticed immediate pain in both of my knees and tightness in both hamstrings. In addition, the back of my hands were bruised and had abrasion. Pro Ambulance service advised I should proceed to Carle for further treatment due to the extreme

ARRATIVE CONTD.

swelling and bruising on my left knee. I was informed at Carle after x-rays, that I would require follow up treatment and Carle Occupational Medicine.

I was unsure of any preexisting injury to Benjamin, however I noticed abrasions on his face and that he was bleeding from the mouth. I was unable to detect alcohol during the struggle, however the reporting party advised he was likely intoxicated.

I have no further information regarding this investigation.

Typed By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer <i>[Signature]</i>	date <i>03/16/14</i>	APPROVED (Supervisor) <i>[Signature]</i> 937	date <i>3-16-14</i>
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: RUSH, MATT R		officer's initials <i>MR</i> approved <i>MDA 937</i>	



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



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SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7111	Date Entered 03/16/2014	Date/Time of Orig. Rpt. 03/16/2014 02:11
Incident Address 1308 GARDEN HILLS DR CHAMPAIGN			Title of Report: Agg Battery, Resisting PO

NARRATIVE

THIS IS A SUPPLEMENTAL REPORT TO OFFICER HAUGEN'S ORIGINAL.

On 03-16-14 at 0213 hrs, Officer Rush and I were dispatched to [REDACTED] to a remove subject. Metcad advised that the reporting persons boyfriend, Benjamin was knocking on the door and they had broken up an hour prior. Metcad advised that Benjamin was a 32 year old black male wearing an Illini shirt and he had possibly been drinking.

Upon Officer Rush and my arrival, I observed Benjamin standing on the front porch. When Benjamin observed that officers were present, he began jumping up and down yelling and waving his hands.

Officer Rush and I approached Benjamin and tried to ask him what was going on. Benjamin was not cooperative and made the comment "you're the police". I then observed that Benjamin had his right hand in his coat pocket. It appeared as if Benjamin was holding something inside his pocket. I then asked Benjamin to remove his hand from his pocket and he replied "fuck you". I then ordered Benjamin to remove his hand and he again refused. Benjamin was then ordered to turn around and put his hands behind his back. Benjamin then turned his body towards the front door to the residence and tried to enter. Officer Rush then grabbed Benjamin by his upper torso and Benjamin pulled away from him and swung his arms. Officer Rush then tackled Benjamin to the ground while ordering him to stop resisting.

Officer Rush was then on top of Benjamin's back and he had control of his left hand. I then grabbed Benjamin's right hand and attempted to put it behind his back. Benjamin refused to comply and pulled away several times. Benjamin then started

Reporting Officer: HENRY, MARSHALL

Officer's Initials

[Signature]

Approved

[Signature]

NARRATIVE CONTD.

NARRATIVE CONTD.

reaching under his body towards his right coat pocket. It should be noted that I did not know what Benjamin had in his pockets. I then informed Benjamin to stop resisting or he would be sprayed with O.C. Benjamin failed to comply with my orders so I sprayed one short blast of O.C. spray in his face from approximately 18 inches away. Benjamin continued to resist and I then knee struck Benjamin several times in his common peroneal and was briefly able to pull his hand out from under his body and behind his back. A majority of the knee strikes were ineffective and Benjamin did not comply. Officer Rush was able to get a handcuff on his left wrist but as I brought his right wrist back, Benjamin was able to pull away from Officer Rush and got his wrist away from his back.

Benjamin was able to push his way up to his feet a couple times during this altercation while swinging his arms/ fists at Officer Rush and myself. Each time that Benjamin made it up to his feet, he was brought back down to the ground and held. Benjamin continued resisting arrest from 0219 hrs to 0223 hrs (4 minutes). Officer Rush and I were unable to get Benjamin secured in handcuffs on our own. Several other officers finally arrived on scene and after a short struggle, Benjamin was detained in handcuffs and arrested.

Benjamin was treated by Ambulance personnel and transported to the hospital (See additional reports for details). I was not aware of any pre-existing injuries to Benjamin. It was reported that Benjamin may have consumed alcoholic beverages prior to the incident. Officer Rush was injured during the altercation and went to the hospital for treatment. I sustained no serious injuries but my neck, right shoulder and right arm were sore from the struggle. My squad car video was not activated during this incident.

Nothing further at this time.

NARRATIVE CONTD.

Copied By:

Entered/Filed By:

Miscellaneous/Leads #s

Signature of Reporting Officer

date

APPROVED (Supervisor)

date

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: HENRY, MARSHALL

officer's initials

approved



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7712	Date Entered 03/16/2014	Date/Time of Orig. Rpt. 03/16/2014 02:11
Incident Address [REDACTED]		Title of Report: Resisting	

NARRATIVE

On 03/16/14 at 0213 hrs. Ofc. Henry and Ofc. Rush responded to [REDACTED] Dr. for a remove subject call. The RP told METCAD she and her boyfriend, Benjamin Mann, broke up about an hour ago after an argument, and now he was knocking on her door. The RP advised he had possibly been drinking, and she requested officers stand by while he retrieves property from her.

At 0218 hrs. Ofc. Henry advised via radio he was being flagged down at this location. At 0219 hrs. Ofc. Rush advised via radio he was on scene, and at 0220 hrs. Ofc. Rush advised via radio for Ofc. Butler, who was also en route, to "step it up!"

I was riding with Ofc. Schweska and we had just crossed Bradley Ave. while traveling southbound on Mattis Ave. Ofc. Schweska immediately responded to their location with his lights and siren activated. Our response to the scene was audio and video recorded, and the subsequent arrest was probably only audio recorded (because the arrest took place on the front porch, east of our squad car, and our squad car was parked on the street facing northbound). The video was classified as "Criminal Arrest."

Upon our arrival at approximately 0221 hrs. Ofc. Schweska and I sprinted to the front porch. I observed Ofc. Henry and Ofc. Rush were engaged in a struggle with Benjamin on the front porch, and Benjamin was screaming. All three of them were on the ground, and an upset female was standing next to them.

Ofc. Schweska joined Ofc. Henry and Ofc. Rush while I initially stood by with the female to prevent any attempts by her to interfere. I then observed Benjamin was attempting to pull himself to his feet and the officers were having a difficult time

Reporting Officer: AIKMAN, CHRISTOPHER C

Officer's Initials CH

Approved MDH/STJ

NARRATIVE CONTD.

NARRATIVE CONTD.

preventing him from doing so. At this time I observed Benjamin had a handcuff on his left wrist and no one had control of his left arm.

I joined the other officers because I thought they needed more help. Officers were able to flatten Benjamin on his side and I took hold of his left wrist. Ofc. Butler and I were able to force his left wrist behind his back, and I held it there while Ofc. Butler did the same with Benjamin's right wrist. I was then able to place the right handcuff onto Benjamin's right wrist, securing both of his wrists in handcuffs. This occurred at 0223 hrs.

Other officers escorted Benjamin away. I noticed I had blood on my hands, and I believe it came from Benjamin, who I observed had been bleeding from the mouth when Ofc. Schweska and I arrived. Sgt. Lack was on scene at this time and gave me hand sanitizer to clean my hands. I was not injured during the arrest.

I had no further involvement.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer <i>[Signature]</i>	date 03/16/14	APPROVED (Supervisor) <i>[Signature]</i> 937	date 3-16-14
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: AIKMAN, CHRISTOPHER C		officer's initials <i>[Initials]</i>	approved <i>[Signature]</i> 1124977



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 3

SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7101	Date Entered 03/16/2014	Date/Time of Orig. Rpt. 03/16/2014 02:11
Incident Address [REDACTED]		Title of Report: USE OF FORCE	

PROPERTY

Tag# 0645	Desc. IN SQUAD VIDEO	Recommended Action RETAIN UNTIL NO EVID. VALUE		
Iss 1	Quantity 1.000	Serial #	Loc SQUAD 39	Disposition
Acv 6	Measure	Evidence? YES		DROP BOX
rug	Value	Property Code 900		

NARRATIVE

On 16 March 2014 I was in full CPD Uniform and a fully marked squad car #39 and riding as a two man unit with Ofc. Aikman. Ofc. Henry and Ofc. Rush responded to a call of a remove subject located at [REDACTED]. While I was available for calls, Ofc Henry and Rush indicated they needed immediate assistance at their location at approximately 0220 hours via radio transmission.

I activated my emergency lights and sirens and arrived on scene at 1308 Garden Hills at 0221 hours. It should be noted that my video and audio equipment was also recording during the incident. As I exited my squad car with Ofc. Aikman, I heard screaming coming from 1308 Garden Hills. I, along with Ofc. Aikman, began to sprint to the porch of [REDACTED] and I witnessed Ofc Henry and Ofc Rush actively struggling with the offender, now known as Benjamin, on the front porch.

I proceeded to run to the porch of [REDACTED] as both officers continued to struggle with Benjamin and continued to instruct him to stop resisting. As I arrived on the front porch, I attempted to gain control of Benjamin's right hand with both of my hands as he kept it underneath his torso. I once again grabbed for the arm and attempted to pull Benjamin's hand from underneath his torso, however, Benjamin continued to tense his right arm and keep his right hand underneath his torso and pull it into his body.

Reporting Officer: SCHWESKA, CULLY T

officer's initials

approved

NARRATIVE CONTD.

ARRATIVE CONTD.

As I'm attempting to gain control of Benjamin's right hand by pulling his right arm, I instructed Benjamin to, "Get your hands from underneath you!" Benjamin did not comply with these directions. I, along with other officers, was able to pry Benjamin's right arm from underneath him as he continued to tense the muscles in his body and physically resist my control. As I was able to gain control of Benjamin's right hand, he proceeded to pull his left arm/ hand back underneath his body. I once again told Benjamin to, "Stop resisting!" however, he did not comply with these directions.

As me and other officers were attempting to gain control of both of Benjamin's hands in order to secure him into handcuffs, Benjamin was able to rise to his feet as we continued to struggle with him on the front porch of 1308 Garden Hills. Fearing he may continue to fight with officers and become more of a threat as he rose to his feet, I aided in tackling Benjamin from the rear as he stood, and back to the porch to control his body movements and prevent escape. Benjamin fell back to the porch and once again tensed his muscles and placed his arms/ hands underneath his torso and resisted the control of officers.

As Benjamin lie face down on the front porch of 1308 Garden Hills, I positioned myself near Benjamin's head. I then placed my right knee between Benjamin's shoulder blades and grabbed Benjamin's right arm with both hands.

I once again instructed Benjamin to "Stop Resisting!" as I used both hands to pry Benjamin's right arm from underneath his body he once again attempted to pull it back underneath his torso. I was able to gain control of Benjamin's right arm and give it to Ofc. Butler in order to secure both hands into handcuffs.

During this incident I did not hear Benjamin make any statements that were understandable, however, he was continually screaming. I am also unaware of any pre-existing injuries to Benjamin and any consumption of alcohol, drugs, and/or any combination.

NARRATIVE CONTD.

I did not sustain any injuries during this incident and observed small lacerations to the mouth region of the offender, Benjamin.

For more information regarding this incident, please refer to the other reports. I have also placed in squad video of this incident into CPD Evidence.

I have nothing further at this time.

Copied By:

Entered/Filed By:

Miscellaneous/Leads #s

Signature of Reporting Officer

#710

date

16-MAR-2014

APPROVED (Supervisor)

date

3-16-14

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Reporting Officer: SCHWESKA, CULLY T

officer's initials

CS. approved CMO/337



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC1402208 Officer Number 7103 Date Entered 03/16/2014 Date/Time of Orig. Rpt. 03/16/2014 02:11

Incident Address [REDACTED] Title of Report: Aggravated Battery to P.O.

OTHER

Name [REDACTED] Address CHAMPAIGN, IL 00000 Telephone Unknown

Employer/School Name [REDACTED] Emp. Address CHAMPAIGN, IL Emp. Tel. Unknown

DOB [REDACTED] Age (when occurred) 55 Race B Sex F Ht. 507 Wt. 165 Hair BLK Eye BRO SSN 000-00-0000 DL# [REDACTED]

Injury Code N Victim Code I Hospitalized NO Treated by [REDACTED]

NARRATIVE

This is a supplemental report to Officer Haugen's original report.

On 03/16/2014 I was assigned to the northwest district. METCAD dispatched a remove subject call located at [REDACTED] [REDACTED]

While enroute to the call I heard Officer Rush state via the radio that he was requesting additional Officer's and Officer's expedite their response to the above address.

Upon my arrival I parked squad in the middle of the street in front of [REDACTED]. Upon exiting my squad car, I could hear a male screaming. The male was not saying anything just screaming. As I ran towards [REDACTED] I observed Officer's on the ground struggling with a black male later identified as Benjamin. Benjamin was laying on his left side, Officer Henry appeared to be struggling with Benjamin's legs, Officer Rush was struggling with Benjamin's left hand which was behind his back and had a handcuff on it. Officer Schweska was at Benjamin's head and was attempting to get Benjamin's right hand out from under his body.

I observed Benjamin attempting to twist and turn in a manner to

Reporting Officer: BUTLER, DAVID M

Officer's Initials [Signature]

Approved [Signature]

NARRATIVE CONTD.

NARRATIVE CONTD.

escape from Officers. Benjamin was also tensing his muscles in a manner to prevent Officer's from placing the right handcuff on Benjamin's right hand. I sat on top of Benjamin's right side and positioned my left knee on the left side of Benjamin and my right knee on the right side of Benjamin. I observed Officer Rush struggling to gain control of Benjamin's left hand. I placed my left knee on Benjamin's left bicep and pinned it to the ground. Shortly thereafter, Officer Schweska handed me Benjamin's right arm. I was able to extend his arm and twist it to the right so he was unable to bend it anymore. I let go of Benjamin's left arm and told Officer Rush to hold it. We were able to secure Benjamin in handcuffs.

Benjamin had been sprayed with O.C. and his mouth was bleeding. An ambulance was called to tend to Benjamin's injuries. Benjamin was then transported to Carle Hospital where he was seen by an Emergency Room Doctor. Benjamin was released and taken to the Champaign County Satellite Jail.

While Officer's were still on scene Benjamin's mother arrived and inquired as to what happened. I explained the incident as best I could to [REDACTED]. [REDACTED] explained to me that Benjamin and [REDACTED] had been arguing. Benjamin called [REDACTED] to inform her that [REDACTED] would not give him her car keys back and wanted her assistance. [REDACTED] could not provide me with any further information.

I have nothing further at this time.

copied By: Entered/Filed By:

Miscellaneous/Leads #s

Signature of Reporting Officer

date

APPROVED (Supervisor)

date

No secondary dissemination without consent from Champaign Police Dept.

Reporting Officer: BUTLER, DAVID M

officer's initials

approved



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 2

SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7765	Date Entered 03/16/2014	Date/Time of Orig. Rpt. 03/16/2014 02:11
Incident Address [REDACTED]		Title of Report: Agg. Battery	

PROPERTY

ag# 0660	Desc. Digital Camera Memory Card	Recommended Action RETAIN UNTIL NO EVID. VALUE		
oss	Quantity 1.000	Serial #	Loc CARLE ER	Disposition
ecv	Measure	Evidence? YES		CPD EVIDENCE
rug	Value	Property Code 992		

NARRATIVE

This is a supplement to Officer Haugen's aggravated battery report.

On 03/16/14 I responded to [REDACTED] to assist other officers on scene. I heard Officer Rush over the radio say that he needed Officer Butler to hurry and I responded to the scene from downtown Champaign.

When I was nearly there, an officer on scene advised that they had someone under arrest. I parked my patrol vehicle just south of the residence. Officer Butler escorted a subject (Benjamin), who was handcuffed, to my patrol vehicle and placed him in the back seat. MEDICAL responded to the scene and treated Benjamin.

I then transported Benjamin to CARLE ER for medical clearance. Benjamin was under arrest and needed medical clearance before going to CCSO. Benjamin had some swelling/bruising to his face and a cut to his lip.

Once at Carle, I took Benjamin inside in a wheelchair and security assisted me. Once inside Benjamin complained that his left handcuff was too tight. I checked Benjamin's left handcuff and loosened it. I also made sure that both handcuffs were double locked.

Benjamin was taken back for treatment by hospital staff. I took pictures of Benjamin's face and also his left wrist with the

Reporting Officer: EPLING, NATHANAEAL M

officer's initials U

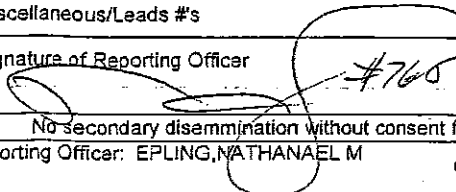
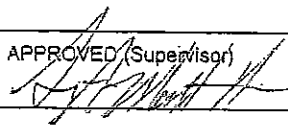
approved [signature]

NARRATIVE CONTD.

NARRATIVE CONTD.

shift digital camera. Benjamin was treated and released. I then transported Benjamin to CCSO. I later returned to POST C and entered the memory card into CPD evidence.

End of supplement.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #'s			
Signature of Reporting Officer		APPROVED (Supervisor)	
			
date 3-16-14		date 3-16-14	
No secondary dissemination without consent from Champaign Police Dept.			
Reporting Officer: EPLING, NATHANAEL M		officer's initials <u>NE</u> approved <u>NRH/337</u>	

NOTICE OF ARREST WITHOUT WARRANT

NOTICE OF ARREST WITHOUT WARRANT

STATE OF ILLINOIS
COUNTY OF CHAMPAIGN

} ss.

TO THE SHERIFF OF CHAMPAIGN COUNTY:

You are hereby notified that William Barragan, DOB: 5/12/81 was arrested by me without warrant for the offense/s being in violation of:

Offense Aggravated Battery, Paragraph 5/12-3.05(a), Illinois Revised Statutes;
Offense Possession of Firearm, Paragraph 5/31-1(a-7), Illinois Revised Statutes;
Offense _____, Paragraph _____, Chapter _____, Illinois Revised Statutes;
Offense _____, Paragraph _____, Chapter _____, Illinois Revised Statutes;
Offense _____, Paragraph _____, Chapter _____, Illinois Revised Statutes;

OR

Section _____, Article _____, Chapter _____, of Ordinance No. _____; of the _____ of _____
(City or Village) Name of Municipality

You are requested to hold said person in safe and secure custody in the County Jail of Champaign County until said person can be taken before the Circuit Court of the Sixth Judicial Court, Champaign County, and a charge filed unless prior release on bail is authorized by law.

I hereby certify that I am a duly authorized peace officer, as indicated below, that the arrest referred to herein is justified under the laws of the State of Illinois, and that I will appear before the proper court to file a charge against the arrested person without unnecessary delay.

Dated this 16 day of March, 20 14.

The above named subject is to be charged with a ☒ Felony or ☐ Misdemeanor

Signature of Peace Officer

Title

Law Enforcement Agency

☐ 72 Hour no contact provision to apply at bond out

Date of Arrest

Time of Arrest

Place of Arrest

Received the within named person at 0900 M. o'clock, Central _____ Time, on Sunday

Standard or Daylight the 16 day of March, 20 14

Arrival Time at Jail

Delivered before the said Circuit Court at _____ M. o'clock, Central _____ Time, on _____

Arresting Officer & Badge #

Standard or Daylight

the _____ day of _____, 20 _____

Transporting Officer & Badge #

Case #

Sheriff of said County

By

Deputy

Circuit Clerk's Copy - White

Sheriff's Copy - Canary

Peace Officer's Copy - Pink



CHAMPAIGN POLICE DEPARTMENT SUPPLEMENTAL REPORT



Page 1 of 3

SUPPLEMENTAL DETAIL

Case Number CC1402208	Officer Number 7941	Date Entered 03/20/2014	Date/Time of Orig. Rpt 03/16/2014 02:11
Incident Address 1 [REDACTED]		Title of Report: RESIST OFFICER/USE OF FORCE	

NARRATIVE

SUPPLEMENTAL REPORT:

On 03-16-14 I was working as a uniformed sergeant with the Champaign Police Department, when I heard METCAD dispatch officers to [REDACTED], in regards to a remove subject call. I noted that Officer Rush #7114 and Officer Henry #7111 were assigned to the call as the primary officers. Officer Butler #7103 advised METCAD that he too would be responding to the call.

Shortly after hearing Officers Rush and Henry arrive on scene, I heard via the radio, one of the officers asking Officer Butler to "step it up". I then proceeded to the address, when METCAD asked Officer Rush for his status, to which he replied, "stand by". It was apparent to me that the tone of voice that Officer Rush answered in and his hurried response, was an indication that he was possibly involved in a physical altercation with someone.

I continued my response to the location, while running "code" (lights and siren), which activated the in-car camera of my squad (28). Upon my arrival at the scene, I left the camera system running, which captured audio/video of my interaction with the officers and anyone else.

As I was arriving in the area, I heard Officer Schweska ask METCAD to start an ambulance for a black male, who was alert, conscious, breathing and intoxicated. Upon my arrival, I observed Officer Voges #785, Officer Epling #765 and Officer Butler #7103 standing at the rear of a squad car with a black male subject in handcuffs. I noted that they were in the process of conducting a search of this subject. I asked these officers if they were okay, to which they all replied "yes". I then

Reporting Officer: YANDELL, JACSON

Officer's Initials

Approved

7941

NARRATIVE CONTD.

NARRATIVE CONTD.

proceeded through the scene, where I located Officer Rush and Officer Henry. I noted that both officers appeared to be "winded" and were starting to regain their normal breathing. I asked them if they were okay, at which time Officer Henry stated that he was okay and Officer Rush informed me that his knees hurt. I asked him if he was skinned up, at which time he lifted his pant legs up and revealed that both knees appeared to have abrasions on them. I then asked both officers to tell me what happened during this incident. Officer Henry provided me with a brief synopsis of the event, at which time he identified the female resident of [REDACTED], as being the original RP on this call and a person, who needed to be interviewed.

I instructed Officer Rush to seek medical personal and have them evaluate his injuries, while they were on scene. He later met with EMS staff in the back of their ambulance vehicle, where they recommended that he respond to the hospital for further evaluation. I then had Officer Haugen #739 respond to [REDACTED] in order to conduct an interview with the female resident, who was later identified as, Ashanti Sturkey.

Once I completed my assessment of officer injuries, I met with Officer Epling, who now had the arrested subject (Benjamin Mann) seated in the rear seat of a squad car. I asked Officer Epling what injuries if any MANN had, to which he advised that he was bleeding from his mouth. I then asked MANN to raise his head up, as he was seated with his head hanging down, and I could not see his face. MANN did not raise his head in order for me to get a clear view of his injuries, however I could see that there was blood dripping from his facial area. I then turned towards Officer's Henry and Rush and asked them if MANN received his injuries from hitting the ground or from strikes delivered by them. Officer Rush answered by stating, "probably both". I then asked Officer Epling if he was going to ride with the EMS personal, as they transported MANN to the hospital for evaluation or if he was going to transport him on in the squad car. Officer Epling advised that he would transport MANN himself and that he

ARRATIVE CONTD.

would then transport him to CCSO afterwards. I provided Officer Epling with a shift camera and instructed him to photograph the injuries sustained by MANN and further instructed him to photograph the injuries to Officer Rush, who had driven himself to the hospital.

After securing from the scene of this incident, I responded to Carle Hospital, where I met with Officer Epling and MANN, who was in a triage room and seated in a wheel chair. MANN was screaming and complaining of pain in his hands, at which time I instructed Officer Epling to check the fit of the handcuffs that were secured on him. We had MANN lean forward from the back of the chair, at which time I noted that the left handcuff was tight against the wrist of MANN. I assisted Officer Epling in removing the left handcuff and then instructed him to utilize a second set of handcuffs, in order to provide a more comfortable fit for MANN. At the time we removed the handcuff, I instructed MANN to move his left arm to his side and to move his arm around in order to attempt to regain flexibility in his arm and shoulder, which he did. Once he had moved his arm several times, we secured MANN with two sets of handcuffs, behind his back. While refitting MANN with the handcuffs, I noted that he had cuts to the wrist area, which appeared to be from the first set of handcuffs being compressed against the skin. I assisted Officer Epling with holding the arm of MANN as he photographed these injuries.

This concluded my involvement with this investigation.

Copied By:		Entered/Filed By:	
Miscellaneous/Leads #s			
Signature of Reporting Officer		date	APPROVED (Supervisor)
			941
No secondary dissemination without consent from Champaign Police Dept.		date	3-20-14
Reporting Officer: YANDELL, JACSON		officer's initials	approved
			941

JOHANNESBURG POLICE DEPARTMENT
PHOTO IDENTIFICATION SHEET

Case Number: 014-2208

Offense: Agg Battery / Resisting

Date: 03-16-14

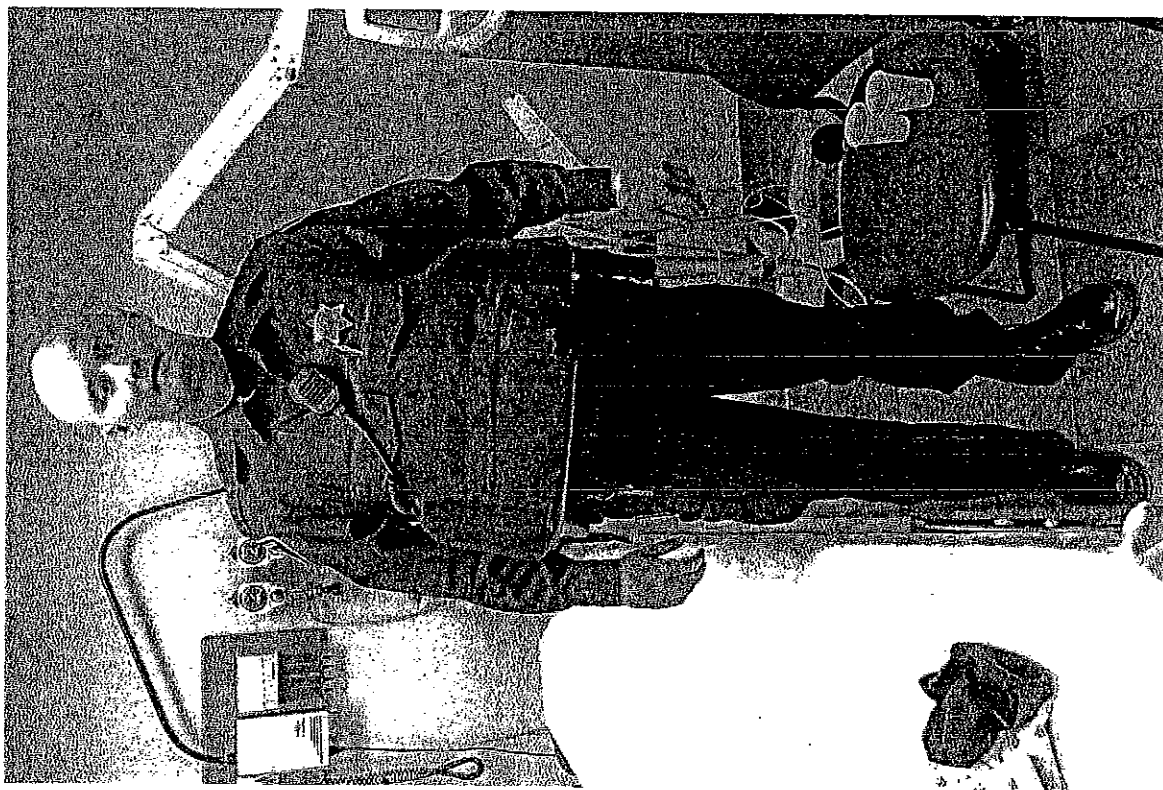
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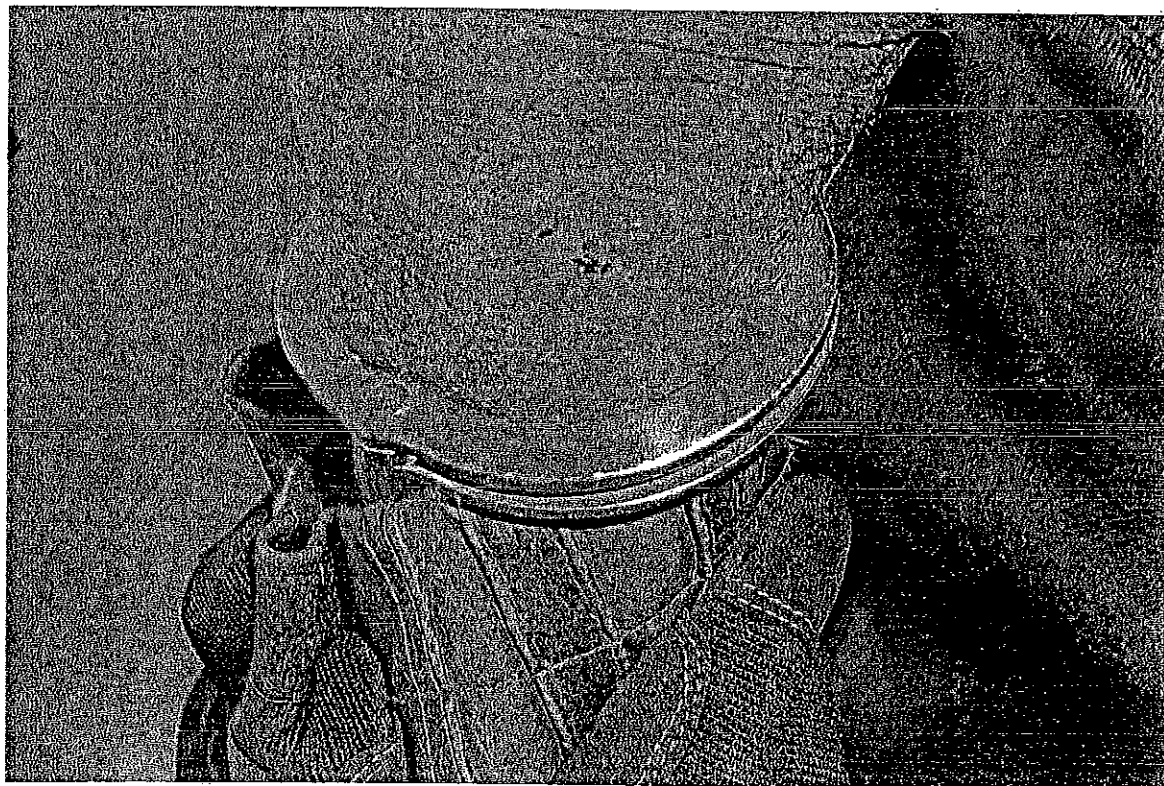
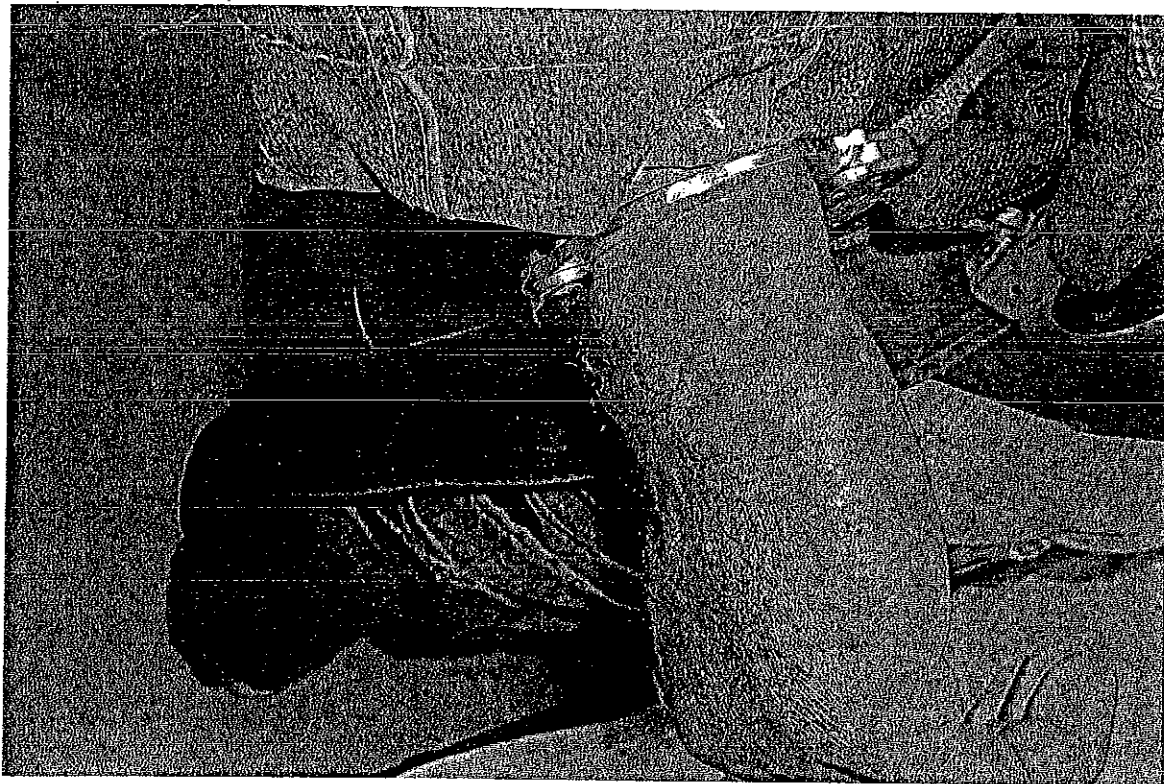
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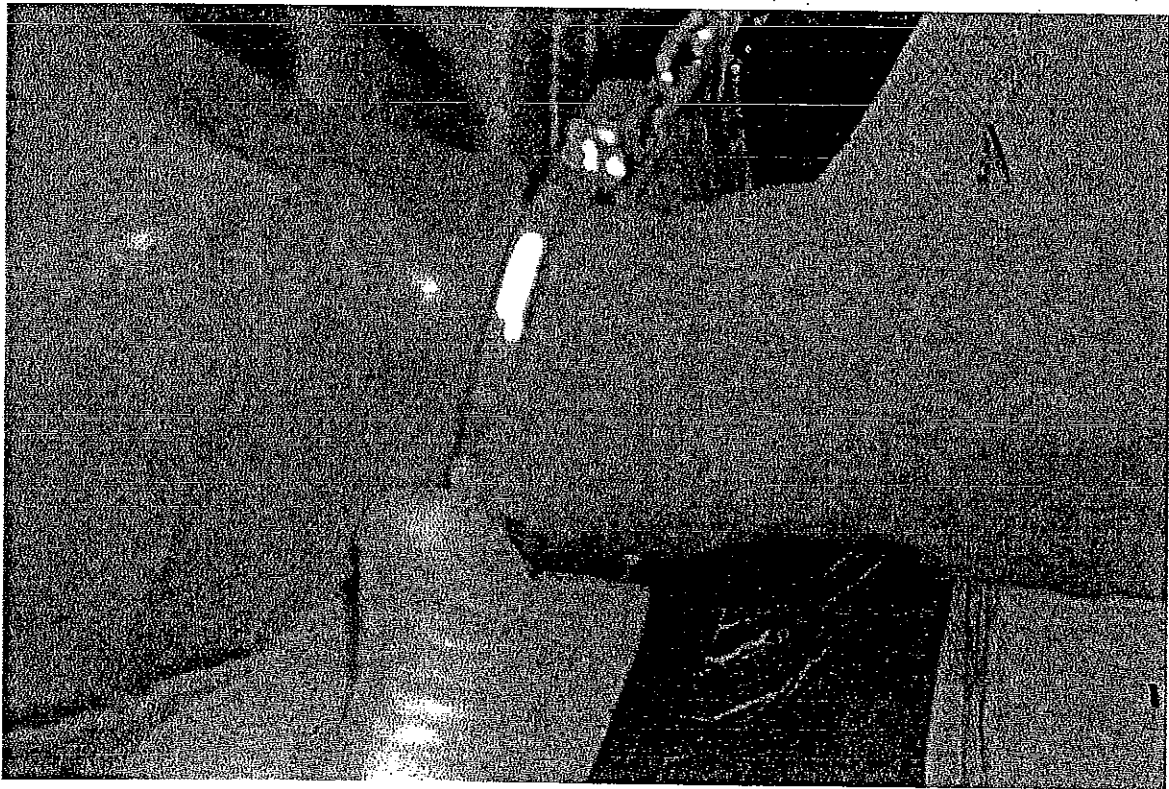
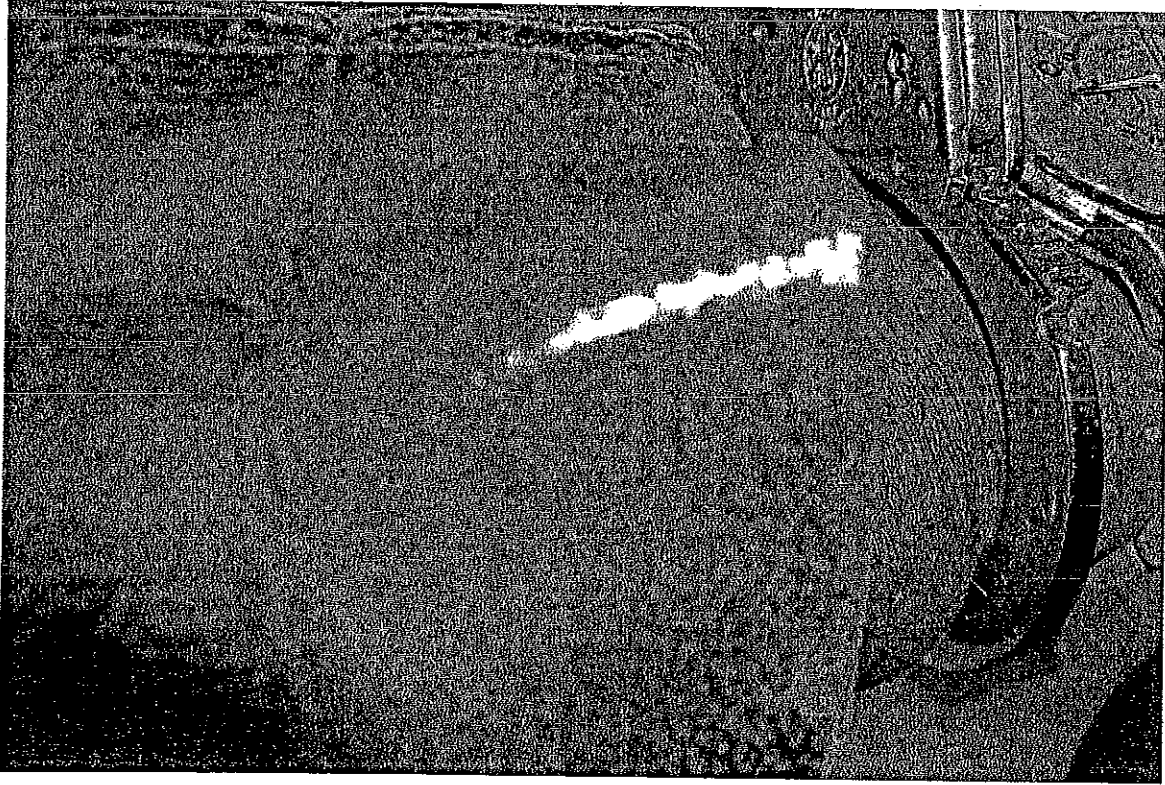
Photographer: Butler #7103 / Kplung #761

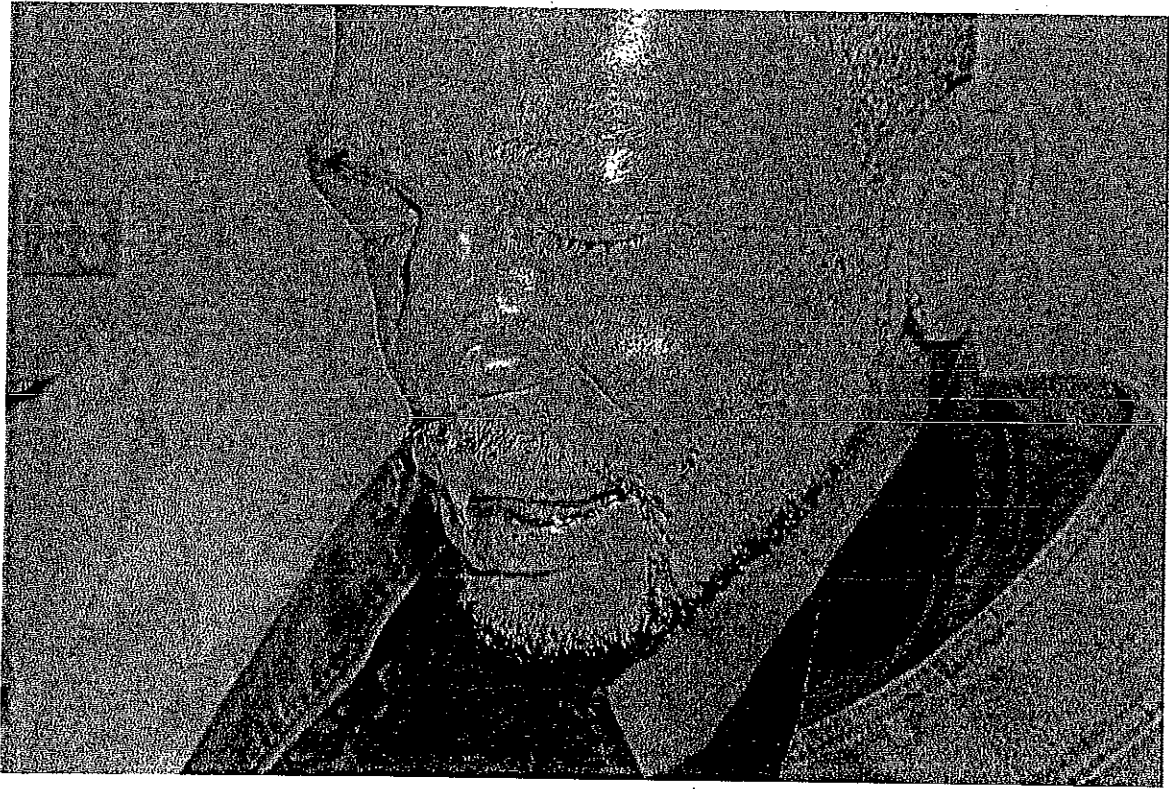
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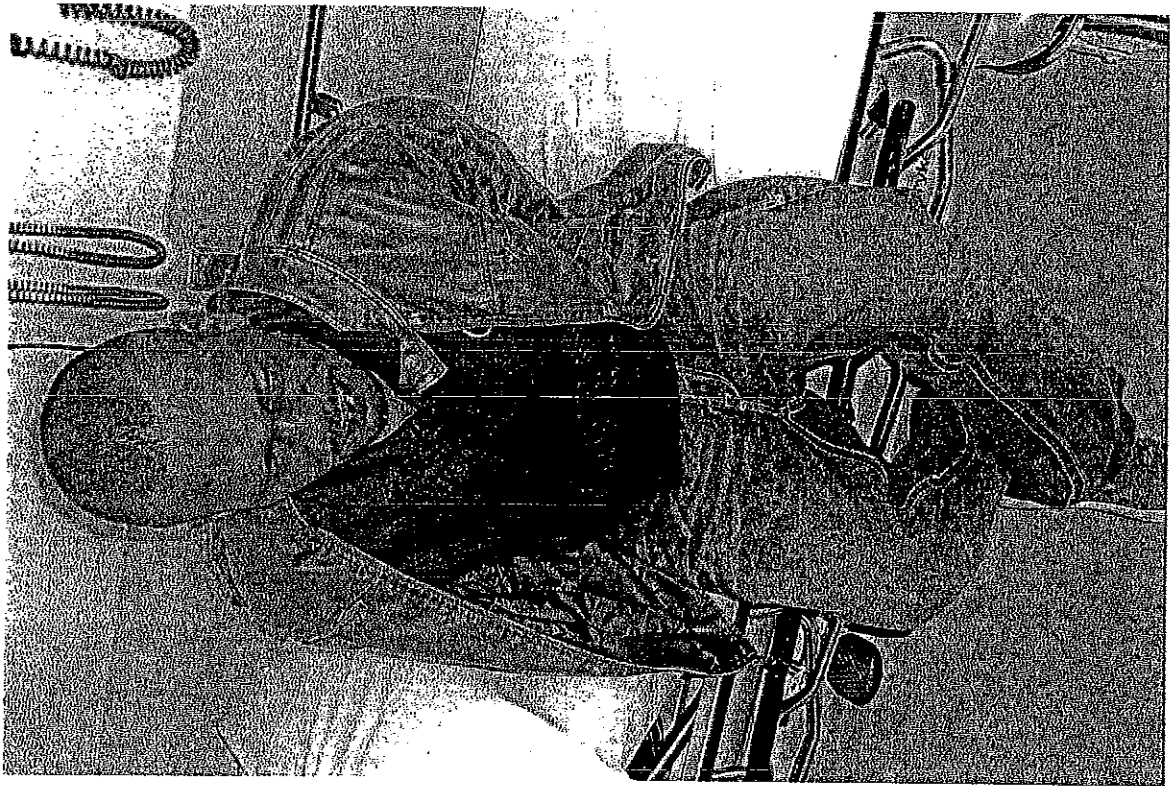
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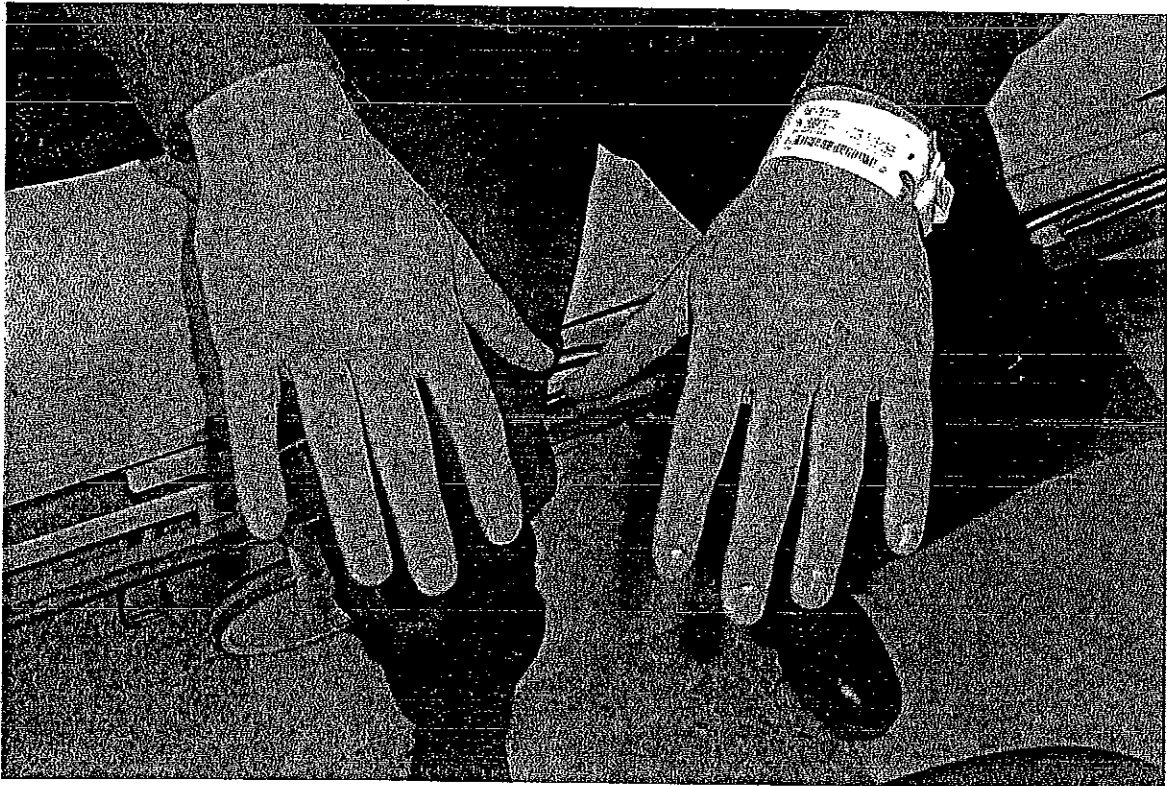


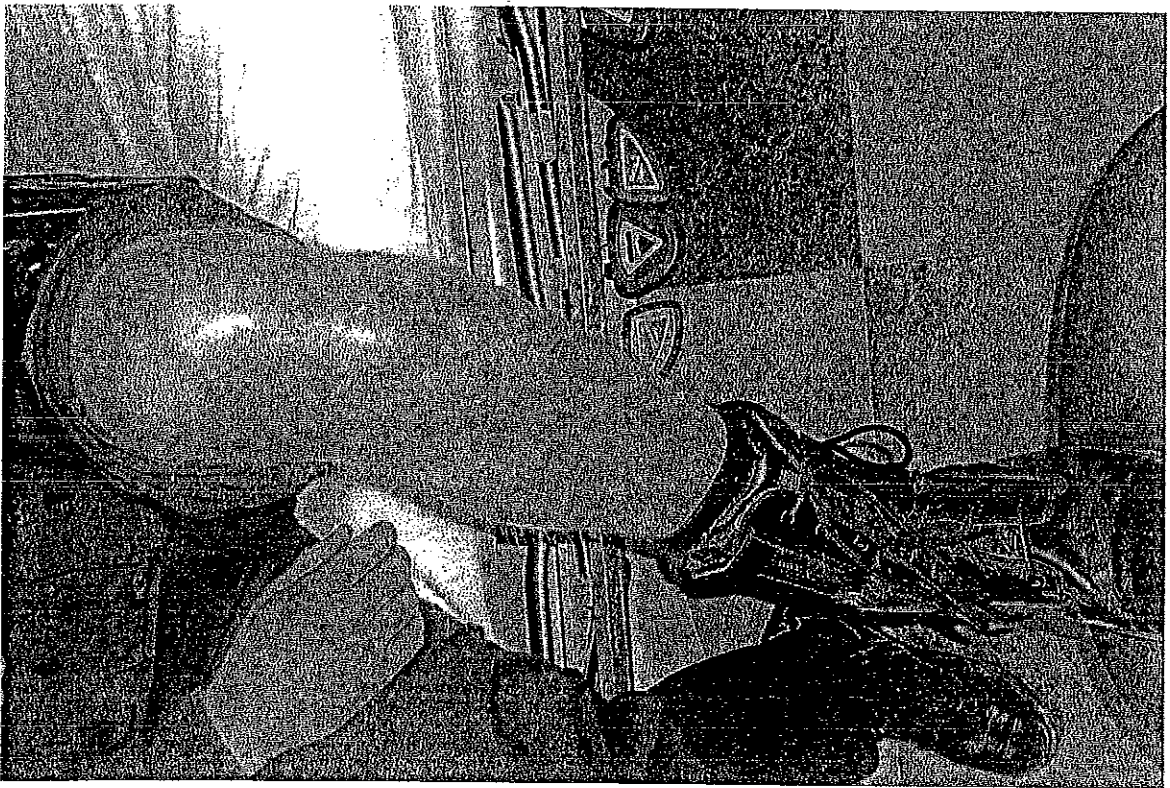














3/23/2014

City of Champaign, IL Mail - Fwd: Police Brutality-False Arrest



Swenson, Jon <jon.swenson@ci.champaign.il.us>

Fwd: Police Brutality-False Arrest

3 messages

Cobb, Anthony <anthony.cobb@ci.champaign.il.us>

Fri, Mar 21, 2014 at 2:28 PM

To: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>, Joe Gallo <joseph.gallo@ci.champaign.il.us>, David R Shaffer <david.shaffer@ci.champaign.il.us>

10-43

----- Forwarded message -----

From: **Benjamin Mann** <b.mann73@yahoo.com>

Date: Fri, Mar 21, 2014 at 2:26 PM

Subject: Police Brutality-False Arrest

To: "Anthony.Cobb@ci.champaign.il.us" <Anthony.Cobb@ci.champaign.il.us>

March 16th 2014 2:00 a.m. .Correction in date and time from previous e-mail sent 03/20/2014.
I did not take picture of my groin area injuries for obvious reasons.

—
Anthony D. Cobb



Anthony D. Cobb | Chief of Police | City of Champaign

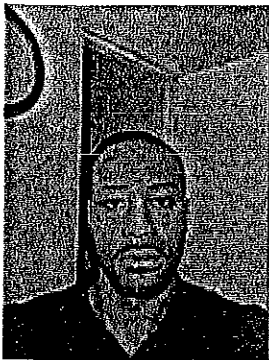
82 E. University Ave. | Champaign, Illinois 61820

217-403-6907 | 217-351-4545 (front desk) | 217-403-6924 (fax)

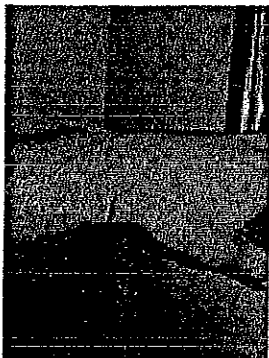
anthony.cobb@ci.champaign.il.us | <http://ci.champaign.il.us/> Follow us on Facebook at
[Facebook.com/ChampaignPD](https://www.facebook.com/ChampaignPD) or Twitter @ChampaignPD

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8 attachments



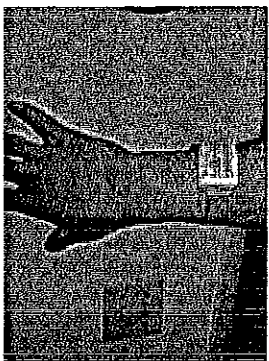
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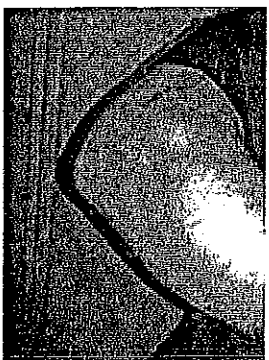
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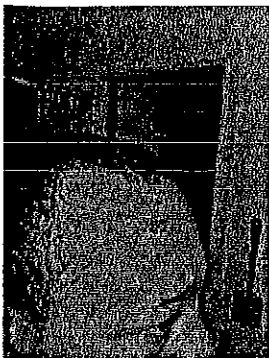
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1919K



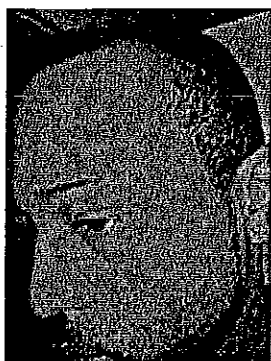
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3/26/2014

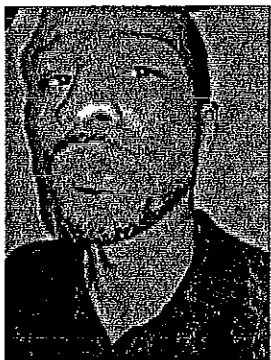
City of Champaign, IL Mail - Fwd: Police Brutality-False Arrest



20140317_173412.jpg
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20140317_173439.jpg
1428K

Cobb, Anthony <anthony.cobb@ci.champaign.il.us>
To: Benjamin Mann <b.mann73@yahoo.com>
Cc: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Fri, Mar 21, 2014 at 2:35 PM

Mr. Mann,

Thank you for sending the photographs to me so they can be considered as I'm sorting through your contact with CPD. I understand there maybe video from your contact with CPD and my staff has made multiple attempts to obtain a copy of the video without success. If you have any influence or ability to obtain a copy of this video so that I may view it; it would be greatly appreciated as I want a thorough investigations into what happened during your contact with CPD. Again thank you for the photos. Please note I've copied Lt. Jon Swenson on this email so that he may have these photos to add to the investigation file he is coordinating

for CPD.

[Quoted text hidden]

Cobb, Anthony <anthony.cobb@ci.champaign.il.us>
To: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>

Tue, Mar 25, 2014 at 5:10 PM

10-43 for your file

----- Forwarded message -----

From: **Benjamin Mann** <b.mann73@yahoo.com>

Date: Fri, Mar 21, 2014 at 4:13 PM

Subject: Re: Police Brutality-False Arrest

To: "Cobb, Anthony" <anthony.cobb@ci.champaign.il.us>

To my knowledge there does exist a video of the illegal activity that took place. With the amount of other evidence circulating that also pin points and spot lights the illegal activity that took place by the Champaign county police in the brutal beating of my body I don't understand why you need it. I believe that we the people of the public want to see the outcome of your investigation before we release the video to see if you will be honest and forthright in administering justice for the illegal actions taken by your officers. It is also my understanding that the video is very incriminating as to the actions taken by your officers of the Champaign County Police Department in that no doubt we'll be left that they were wrong and violated my civil rights. There are plenty of eye witnesses as well to my treatment.

Sent from Yahoo Mail on Android

From: Cobb, Anthony <anthony.cobb@ci.champaign.il.us>;

To: Benjamin Mann <b.mann73@yahoo.com>;

Cc: Swenson, Jon <jon.swenson@ci.champaign.il.us>;

Subject: Re: Police Brutality-False Arrest

Sent: Fri, Mar 21, 2014 7:35:36 PM

[Quoted text hidden]

[Quoted text hidden]

Memo

To: Lt. David Shaffer

From: Sgt. Jaceson Yandell 

Date: 3/21/2014

Re: Use of Force Incident on 03-16-14 (CPD case #C14-02208)

On 03-19-14 I was directed to conduct a neighborhood canvas in regards to this use of force incident, wherein I was tasked with attempting to locate and interview any witnesses to this incident. The following is a summary of the neighborhood survey:

[REDACTED]: I made contact with **[REDACTED]**, who advised that he was home on the night of 03-16-14 and that he saw the police vehicles in the roadway, however he did not observe the incident.

[REDACTED] I made contact with **[REDACTED]**, who advised that she was home on the night of 03-16-14, however she did not hear or see the incident. She awoke when she noticed the police flashing lights in the roadway, however did not exit her residence.

[REDACTED]: I made contact with a black female, who refused to identify herself. She stated that she was home on the night of 03-16-14, however she did not hear or see the incident. She further advised that she was unaware that anything had happened that night.

[REDACTED] No answer at the door. According to the neighbor at **[REDACTED]**, he believes that the residence is currently vacant. There are no recent records in ARMS for contacts at this residence.

[REDACTED] I made contact with **[REDACTED]**, who advised that he was home on the night of 03-16-14, however he did not see or hear the incident. He was unaware that anything had happened.

[REDACTED] I made contact with **[REDACTED]** advised that she was home on the night of 03-16-14, however she did not see or hear the incident. She was unaware that anything had happened.

[REDACTED]: I made contact with [REDACTED] telephone number [REDACTED] who provided the following information in part:

- He stated that on the night of 03-16-14 he was at home and inside his residence, when his son told him that the police were outside (across the street).
- He went outside with his son [REDACTED], at which time he observed three police officers at the doorway of [REDACTED] We. He stated that the three officers appeared to be coming from within the residence, however he then clarified his statement and stated that he was unsure if they had actually been inside the house, but that they were "beating" the guy who lives there.
- He stated that they were on the front porch of the residence, moving away from the doorway and the officers pushed the guy to the ground, where they ended up on the concrete front porch.
- He stated that one of the officers had a hold of the guys head and repeatedly bounced his head off of the concrete patio. He advised that while the officer was banging the guys head, another officer took out his "stick" and was hitting the guy with it. He demonstrated this with his own hand and lifted his right arm above his head and came downward, as if he was swinging a hammer or club type object.
- He advised that he utilized his son's cellular telephone to video tape the incident and in doing so, he moved from the end of his driveway to the middle of the roadway in order to capture the incident on video.
- He stated that he did not move any closer to the incident, because he did not want to give the officers any cause to think that he was involved and he did not want to interfere.
- When I asked him if he would be willing to provide me with the cellular device or at least a copy of the video, he responded by stating that, "I can't right now, because someone else has it". I advised him that in order for the police department to conduct a thorough investigation, we would need a copy of the video, to which he again advised that he could not provide the video at this time.
- I asked if his son, [REDACTED], was home in order for an interview to be conducted with him, to which he stated that he was not. I explained that I would need to interview him in regards to this incident, at which time I requested his full name and cellular telephone number, which he provided to me.
- [REDACTED] telephone number [REDACTED]
- On 03-20-14 I made contact with [REDACTED] via telephone, at which time I requested to meet with him in order to conduct an interview. He advised me that he was en route to class at Parkland College and that he would be available after 1930 hours. I requested that he call me when he finished with his class. On this date at approximately 2020 hours, I had not received any return call from Bradley, so I called his cellular telephone again. The call was unanswered and the voice mail function on the phone was not set up.
- On this date at approximately 2045 hours, I responded to [REDACTED], in an attempt to make contact with [REDACTED]. I made contact with [REDACTED], who advised that [REDACTED] was not home and that he had left with a friend right after they returned home from class. [REDACTED] acknowledged that he knew that I had spoke to [REDACTED] earlier and stated that he was with [REDACTED] when I called.
- I provided [REDACTED] with my business card and requested that he have [REDACTED] call me at his earliest convenience.

This concluded the contact with [REDACTED].

On 03-19-14 I also reviewed the reports associated to the use of force in this incident, wherein there is one suspect (Benjamin Mann).

SUMMARY FROM REPORTS:

Officer Henry #7111 and Officer Rush #7114 responded to a remove subject call at [REDACTED] Champaign, Illinois. As they were dispatched, METCAD advised the officers that the reporting person (RP) had relayed that her boyfriend, Benjamin Mann, was knocking at the front door of her residence, was possibly intoxicated and that they had broken up approximately one hour prior to this. Upon the officer's arrival, they located a subject, later determined to be MANN, in the front of [REDACTED]. As both officers approached MANN, they noted that he had his right hand concealed inside his coat pocket as if he was holding onto something within the pocket. Officer Henry gave MANN verbal commands to remove his hand from his pocket, at which time he refused to comply with the order and then stated, "Fuck You".

As officers closed the distance between themselves and MANN, Officer Henry continued to give verbal commands to MANN, instructing him to remove his hand from his pocket, which he refused to comply with. MANN then turned towards the front door of the residence at 1308 Garden Hills Drive and attempted to open the front door. Officer Rush grabbed MANN around the torso in an attempt to control and secure him, at which time MANN pushed back from the doorway and began a lengthy resist. MANN was taken to the ground by Officer Rush, where he continued to resist their efforts to restrain and handcuff him. Officers utilized knee strikes, forearm thrusts, OC and baton strikes against MANN, in an attempt to control him during his resistance.

When Officer's Schweska and Aikman arrived on scene, they immediately ran to the aid of Officer Henry and Officer Rush, where they found them engaged in a struggle with MANN on the front porch of [REDACTED]. Officer Schweska assisted the officers by grabbing the right arm of MANN, where he attempted to pull the arm from underneath his body and back behind his back, in order to secure the hand in handcuffs. MANN continued to tense his body and arm so that Officer Schweska could not gain control of this hand. Officer Schweska provided several verbal commands to MANN, instructing him to stop resisting and for him to get his hands out from underneath his body.

Officer Aikman initially took a position of providing security to the officers engaged in the struggle with MANN, due to the presence of [REDACTED], the original RP, who was now yelling at officers to stop. He soon became involved in the struggle with MANN, due to recognizing that the officers were unable to gain control of him. Officer Aikman observed MANN to have a handcuff on his left wrist, however it was not being held or secured by any of the officers, due to the continued struggle. He grabbed the left hand of MANN and moved it to his lower back area, at which time Officer Butler was able to move his right hand to the lower portion of his back. Officer Aikman and Officer Butler were then able to secure MANN in handcuffs.

Officer's Henry and Rush were unable to restrain MANN on their own and were not able to get him fully under control until Officer's Schweska, Aikman and Butler arrived on scene and assisted them. It should be noted that from the time that Officer Henry and Officer Rush made the initial contact with MANN and the time that he was secured in handcuffs was approximately four minutes.

The police reports prepared by Officer's Henry, Rush, Schweska, Aikman and Butler are extremely detailed and I believe that they accurately represent their actions and the force utilized during this incident.

I have reviewed the in-car video from the squad cars, which were present during and after this event. There is no audio/video from Officer Henry's squad car and Officer Rush's audio/video was shut off as he arrived on scene. The audio/video from Officer Schweska's squad car shows him arriving on scene, however due to the position that the car was parked, the video does not capture the incident. The audio portion of this recording captures what sounds like a continued struggle with MANN, wherein officers are providing verbal commands to MANN, instructing him to stop resisting and to get his hands out from underneath himself.

MEDICAL:

Officer Epling transported MANN to Carle Hospital, where he was treated and released back to the custody of Officer Epling for transport to CCSO. Officer Rush transported himself to Carle Hospital, where he was treated and released.

CONCLUSION:

Officers routinely deal with "Remove Subject" calls for service. During this incident, Officer Henry and Officer Rush were advised by METCAD that the reporting person (RP) had advised that the subject to be removed was her boyfriend and that they had just broken up approximately one hour prior to this call. METCAD further advised that he was knocking on the door and was intoxicated. Officer Henry was the first to arrive on scene, where he observed a subject (MANN) in the front yard, who appeared to be waving his arms. As Officer Henry was exiting his patrol car, Officer Rush arrived on scene and the two approached MANN together. Officer Henry attempted to engage MANN in conversation, at which time he asked MANN what was going on. MANN simply stated, "you're the police". At this time Officer Henry noticed that MANN had his right hand concealed within his coat pocket and it appeared to Officer Henry that he was clenching something within the coat pocket. Officer Henry gave a verbal command to MANN to remove his hand from his coat pocket, at which time he responded by stating, "Fuck You".

Officer Henry and Officer Rush began to close the distance between themselves and MANN, at which time Officer Henry again instructed him to remove his hand from his coat pocket, which MANN again refused to comply with. Officer Henry then advised him to turn around and put his hands behind his back, at which time MANN ignored the command and turned towards the front door of the residence at [REDACTED]. At this time, Officer Rush moved towards MANN and grabbed him around his torso, in an attempt to take physical control of him. MANN used his arms to push away from the doorway, where Officer Rush utilized a "hip toss" tactic, in order to take MANN to the ground in order to gain control over him. At this time, Officer Rush was lying on top of MANN, using his own body weight to attempt to subdue him, and then grabbed a hold of MANN'S left arm, in an attempt to secure it in a handcuff. Officer Henry was able to grab a hold of MANN'S right arm at this time, however MANN began what would be a lengthy resistance to the officer's efforts to subdue him.

MANN was able to break free of the officer's efforts to restrain him on several occasions, including getting to his feet, swinging his arms and fists at the officers and attempting to move away from them. The officers continued to give verbal commands during the struggle, wherein they commanded him to stop resisting. At one point during the incident, Officer Rush was able to get one handcuff on the left wrist of MANN, however the hand and arm was unsecured due to the resistance provided by MANN. During the confrontation, Officer Henry deployed OC spray directly into the face of MANN, which had little to no effect on his resistance. Both officers deployed knee strikes to the common peroneal of MANN, which had only temporary effects on his

aggressive behavior and resistance to their efforts to subdue him. Both officers used their own body weight on top of MANN in an effort to control him, which also was ineffective in controlling him. It was not until Officer's Schweska, Aikman and Butler arrived on scene that MANN was subdued and taken into custody.

Given the above information I believe that the officers were within policy and justified in the use of force when making the arrest. The next question is whether or not the level of force was reasonable.

By policy, typical factors to consider when determining reasonableness include:

- Seriousness of the alleged offenses – Resisting a peace officer;
- Whether or not the subject posed an immediate threat to the officer or another – Yes. After MANN was instructed to remove his hand from his coat pocket, he refused and stated, "Fuck You". The officers believed that MANN was clutching something inside his coat pocket and could not see what he might be concealing.
- MANN refused to comply with the officers commands and further turned towards the front door of the residence at [REDACTED], which is where the RP wanted the subject removed from. Fearing what may happen if MANN was allowed to make entry to the residence, they approached MANN and attempted to take physical control of him.
- Whether or not the subject was actively resisting – yes, the suspect was verbally and physically resisting.
- The physical resistance presented by MANN was more than Officer Henry and Officer Rush could handle, in the fact that it subsequently took three additional officers to subdue him and secure him in handcuffs.

I believe that the use of force in this incident is within policy because of the following reasons:

- Officer Henry ordered MANN two times to remove his hand from his coat pocket, which he did not comply with and furthermore responded by stating, "Fuck You". MANN then moved towards the door of the residence, where officers believed he was going to make entry to the very place the RP was requesting he be removed from. Officer Rush grabbed a hold of MANN and pushed him against the door frame in an attempt to stop him from entering the residence and to gain control of him. MANN responded by pushing away from the doorframe. Officer Rush then forced him to the ground in an attempt to gain control over him. I believe that Policy 1.3.1, section B, paragraph 1, subsection "a" is important to note in this incident. By policy, "An officer may use force in the performance of his duties under the following circumstances", To prevent or terminate the commission of an offense. I believe that policy 1.3.1, section B, paragraph 1, subsection "c" is also important to note in this incident. By policy, "An officer may use force in the performance of his duties under the following circumstances", To effect the arrest of an offender, including those resisting arrest or attempting to flee from arrest or custody".
- When Officer's Henry and Rush attempted to control and arrest MANN, he tensed his body, held his hands underneath his torso, concealing his hands from their view, stood up from a lying position on several occasions, attempting to get away from their control and swung his hands and arms towards the officers. More importantly this confrontation lasted approximately four minutes from the first "hands-on" with MANN until he was finally secured in handcuffs. Policy 1.3.1, section B, paragraph 4 is also important to note in this incident. By policy, "It is not intended that any suspect or offender should be allowed to be the first to exercise force, thus allowing them to gain an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to resort to a lesser level of force to defend against a threat of violence that places the officer or others at a

3/20/2014

City of Champaign, IL Mail - Fwd: Formal Complaint of Police Brutality



Swenson, Jon <jon.swenson@ci.champaign.il.us>

Fwd: Formal Complaint of Police Brutality

2 messages

Cobb, Anthony <anthony.cobb@ci.champaign.il.us>

Tue, Mar 18, 2014 at 2:58 PM

To: "Swenson, Jon" <jon.swenson@ci.champaign.il.us>, Joe Gallo <joseph.gallo@ci.champaign.il.us>

██████████ account of events are a lot different than our offices. ██████████ describes Ben as cooperative and compliant with officers commands. The neighbors video will be helpful

—— Forwarded message ——

From: ██████████

Date: Tue, Mar 18, 2014 at 12:50 PM

Subject: Formal Complaint of Police Brutality

To: "statesatty@co.champaign.il.us" <statesatty@co.champaign.il.us>, "Anthony.Cobb@ci.champaign.il.us" <Anthony.Cobb@ci.champaign.il.us>

Cc: "patricicavery@gmail.com" <patricicavery@gmail.com>

To Whom It May Concern:

I am writing in regards to the horrible incident that occurred with the police at my address at ██████████ Drive in Champaign. I have had a hard time putting this letter together as I find it hard to put into words the horror and the disgust I now have for the Champaign Police Department.

Here is my recollection of the events that occurred.

After a night out at a night club with my boyfriend, Benjamin Mann, my sister and her boyfriend, Ben and I had a disagreement and broke up. We parted ways and I headed home. Ben had walked home, which at the time I had not known that he had walked home, and he knocked on the doors and windows wanting his keys because he did not have the keys on him. Due to the exchanges we had through texts regarding our break-up, I thought it best to call the police to come and mediate the exchange of the keys and anything else he needed. My phone to 911 simply said that we had just broken up and that I'd like a police officer here to exchange keys and whatever else he needed. In that call I was not frantic, I did not say that I was hurt or in danger, I simply wanted a mediator.

I let Benjamin know they were on the way. When they arrived, he let me know they had arrived through the door. I looked through the peephole, saw the lights of the car and when I opened the door I saw the police swiftly walking to the door with guns drawn yelling for him to take his hands out of his pockets. Now mind you, he had just got done walking from Urbana to Champaign, he was cold. He took his hands out of his pockets and in a matter of seconds a police officer had him in a choke hold and body slammed him. When he did this it was directly in front of me and I had to step back inside for a second. When I stepped back out I could feel the pepper spray in the air. Benjamin was on the ground yelling that he could not breath. He could not move as one officers

had his hands held behind his back, the other had his knee on his shoulder while the third officer punched him repeatedly in his stomach. I was screaming at the officers to stop and that he had not done anything wrong. I repeated and repeated this. I asked the officers why are you punching this man, why are you beating him?! This seemed to continue forever, and I saw blood coming out of Benjamin's mouth. As I was asking the officers why the officer that had his knee on him yelled at me to go in the house. I stepped inside and looked for my phone to film it (luckily a neighbor had already been doing this). But as I walked back to the door, Benjamin was getting lifted up and carried away.

A woman officer came to me, I believe her name was officer Haugen, and before she really got a chance to talk, I expressed to her my disgust with the situation that happened. I told her that I called the police to mediate and bring a peaceful solution to this night and the opposite occurred. I expressed to her my regret in calling them due to the result and asked her why the police responded to the call the way they did. I was not hurt nor in pain nor in danger, I clearly just wanted a peaceful end. Why were the guns initially drawn, why not say "Hi, what going on tonight?" Why the need for the pepper spray? Why the excessive force? Just Why.. She said the officers said he was resisting and that was a lie. The officers were aggressive from the moment I opened the door and saw them walking up.

At this point I'm very upset and visibly untrusting of the officers. I asked to see Benjamin myself, as I was honestly concerned from him being in their custody due to what I had just witnessed. She refused. Why? I then saw his mother and wanted her to be aware of what had just happened, she refused to let me go talk to her too.. Why? If I would have went over there anyways, would I have been arrested? Beaten?

I hope you can feel my anger and disappointment through this letter. Up until this point I had began to regain confidence in the Champaign Police Department. As a property manager at Value Place in Champaign and Town Center Apartments, I began to build a relationship with them to help me clear out crime at my properties. I even received a letter from an officer, thanking me for my help in a missing person's case. I had built enough trust in them to come out and help mediate. And now I find myself afraid when I see a police car driving by me. As a black woman, there is a stigma about calling the police. You're just not supposed to do it. So when I called even for something as small as exchanging keys peacefully, you can't imagine the regret, horror, betrayal and outrage I feel at this time.

Please consider this as my formal complaint in this matter. I demand that you respond to this letter and deal with the problem officers and issues your police department have. I demand that you drop charges of resisting arrest on Benjamin Mann because it is wrong and is a way to cover up what was done wrong. That is the LEAST you can do.

[REDACTED]